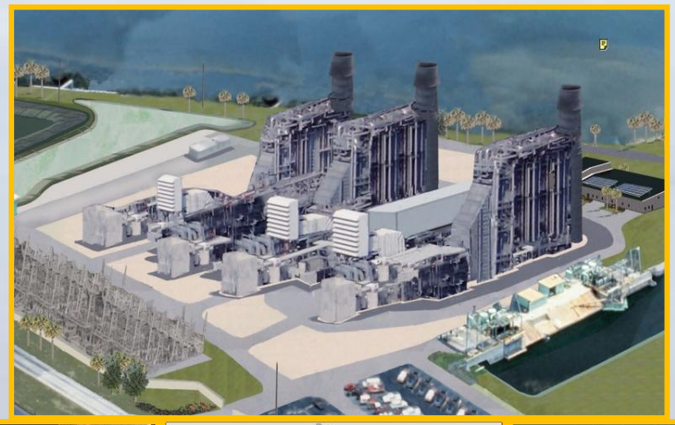
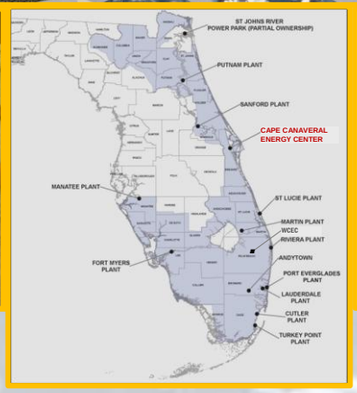
Cape Canaveral

Energy Center





Site Certification Application

Volume III of III

December 2008

FPL

SITE CERTIFICATION APPLICATION
CAPE CANAVERAL ENERGY CENTER

VOLUME 3 OF 3

Submitted by:

Florida Power & Light Company
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Juno Beach, Florida 33408

December 2008

0838-7633

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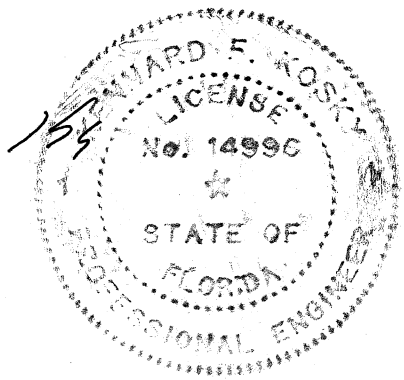


VOLUME 1

Applicant Information

Legal Description

SECTION PAGE

1.0 INTRODUCTION AND GENERAL INFORMATION 1-1
1.1 Introduction 1-1
1.2 The Applicant 1-2
1.3 Overview of the Project 1-4
1.4 Summary of Public Outreach Program 1-5
2.0 NEED FOR THE PROPOSED FACILITIES 2-1
3.0 SITE AND VICINITY CHARACTERIZATION 3-1
3.1 Site and Associated Facilities Delineation 3-1
3.1.1 Existing Site Uses 3-1
3.1.2 Adjacent Properties 3-2
3.1.3 Uses Within the Site 3-2
3.1.4 One Hundred-Year Flood Zone 3-2
3.2 Social and Political Environment 3-2
3.2.1 Governmental Jurisdictions 3-2
3.2.2 Zoning and Land Use Plans 3-3
3.2.3 Demography and Ongoing Land Use 3-5
3.2.4 Leases, Easements, Title, Agency Works 3-5
3.2.5 Regional Scenic, Cultural, and Natural Landmarks 3-6
3.2.6 Archaeological and Historical Sites 3-7
3.2.7 Social and Economic Characteristics and Public Services 3-8
3.3 Physical and Biological Environment 3-13
3.3.1 Geology and Hydrology 3-13
3.3.2 Subsurface Hydrology 3-16
3.3.3 Site Water Budget and Area Users 3-18
3.3.4 Surficial Hydrology 3-19
3.3.5 Vegetation/Land Use 3-21
3.3.6 Ecology 3-22
3.3.7 Meteorological and Ambient Air Quality 3-35
3.3.8 Noise 3-40

4.0 THE PLANT AND DIRECTLY ASSOCIATED FACILITIES 4-1
4.1 Background 4-1
4.2 Site Layout 4-3
4.3 Fuel 4-3
4.4 Air Emissions and Controls 4-5
4.4.1 Air Emissions Units 4-5
4.4.2 Air Emission Controls 4-8
4.4.3 Control Technology Description 4-9
4.4.4 Design Data for Control Equipment 4-13
4.4.5 Design Philosophy 4-13
4.5 Plant Water Use 4-14
4.5.1 Heat Dissipation System 4-15
4.5.2 Domestic/Sanitary Wastewater 4-16
4.5.3 Potable Water Systems 4-17
4.5.4 Process Water Systems 4-17
4.6 Chemical and Biocide Waste 4-17
4.6.1 Cooling System Water Chemical Treatment 4-18
4.6.2 Steam Cycle Water Treatment 4-18
4.6.3 Sanitary Wastewater Treatment 4-18
4.6.4 Makeup Water Demineralization 4-18
4.6.5 Chemical Cleaning 4-19
4.6.6 Miscellaneous Drains 4-19
4.7 Solid and Hazardous Wastes 4-20
4.7.1 Solid Wastes 4-20
4.7.2 Hazardous Wastes 4-20
4.8 Drainage 4-21
4.8.1 Onsite Drainage System 4-21
4.8.2 Offsite Drainage System 4-23
4.9 Heavy Equipment and Materials 4-23
4.9.1 Construction Materials and Equipment 4-23
4.9.2 Roads 4-24
4.10 Associated Linear Facilities 4-24
4.11 Emergency Disaster Preparedness Plans 4-24

5.0 ENVIRONMENTAL EFFECTS OF SITE PREPARATION AND PLANT AND ASSOCIATED FACILITIES CONSTRUCTION 5-1
5.1 Land Impacts 5-1
5.1.1 General Construction Impacts 5-1
5.1.2 Roads 5-3
5.1.3 Flood Zones 5-3
5.1.4 Topography and Soils 5-4
5.2 Impact on Surface Water Bodies and Uses 5-5
5.2.1 Impact Assessment 5-5
5.2.2 Measuring and Monitoring Programs 5-9
5.3 Groundwater Impacts 5-9
5.3.1 Impact Assessment 5-9
5.3.2 Measuring and Monitoring Programs 5-9
5.4 Ecological Impacts 5-9
5.4.1 Impact Assessment 5-9
5.4.2 Measuring and Monitoring Programs 5-13
5.5 Air Impact 5-13
5.5.1 Air Emissions 5-13
5.5.2 Control Measures 5-15
5.6 Solid Wastes 5-15
5.7 Impact on Human Populations 5-16
5.7.1 Construction Workforce 5-17
5.7.2 Transportation 5-17
5.7.3 Housing 5-19
5.7.4 Education 5-19
5.7.5 Construction Noise Impacts 5-19
5.8 Impact on Landmarks and Sensitive Areas 5-22
5.9 Impact on Archaeological and Historic Sites 5-23
5.10 Special Features 5-23
5.11 Benefits from Construction 5-23
6.0 EFFECTS OF PLANT OPERATION 6-1
6.1 Effects of the Operation of the Heat Dissipation System 6-1
6.1.1 Temperature Effect on Receiving Body of Water 6-1
6.1.2 Effects on Aquatic Life 6-2
6.1.3 Biological Effects of Modified Circulation 6-3

6.1.4 Effects of Off-stream Cooling 6-3
6.1.5 Measurement Program 6-3
6.2 Effects of Chemical and Biocide Discharges 6-3
6.2.1 Industrial Wastewater Discharges 6-3
6.2.2 Cooling Tower Blowdown 6-4
6.2.3 Measurement Programs 6-4
6.3 Impacts on Water Supplies 6-4
6.3.1 Surface Water 6-4
6.3.2 Groundwater 6-4
6.3.3 Drinking Water 6-4
6.3.4 Leachate and Runoff 6-5
6.3.5 Measurement Programs 6-5
6.4 Solid/Hazardous Waste Disposal Impacts 6-5
6.4.1 Solid Waste 6-5
6.4.2 Hazardous Waste 6-5
6.5 Sanitary and Other Waste Discharges 6-6
6.6 Air Quality Impacts 6-6
6.6.1 Impact Assessment 6-7
6.6.2 Monitoring Programs 6-10
6.7 Noise Impacts 6-11
6.8 Changes in Non-Aquatic Species Populations 6-14
6.8.1 Impacts 6-14
6.8.2 Monitoring 6-14
6.9 Other Plant Operation Effects 6-15
6.9.1 Operations Traffic 6-15
6.9.2 Lighting 6-15
6.10 Archaeological Sites 6-16
6.11 Resources Committed 6-16
6.12 Variances 6-17
7.0 ECONOMIC AND SOCIAL EFFECTS OF PLANT CONSTRUCTION AND OPERATION 7-1
7.1 Economic and Social Benefits 7-1
7.1.1 Direct Economic and Social Benefits 7-1
7.1.2 Indirect Economic Benefits 7-3
7.1.3 Fiscal Benefits 7-3

7.1.4 Overall Economic Benefits 7-4
7.1.5 Environmental Benefits 7-4
7.2 Economic and Social Costs 7-5
7.2.1 Temporary External Costs 7-5
7.2.2 Long-Term External Costs 7-6
8.0 SITE AND DESIGN ALTERNATIVES 8-1
9.0 ELECTRICAL TRANSMISSION LINES 9-1
REFERENCES REF-1

LIST OF APPENDICES

APPENDIX 10.1 COORDINATION
APPENDIX 10.2 FEDERAL PERMIT APPLICATIONS OR APPROVALS
APPENDIX 10.2.1 316 DEMONSTRATIONS
APPENDIX 10.2.2 NPDES APPLICATIONS/PERMITS
APPENDIX 10.2.3 HAZARDOUS WASTE DISPOSAL APPLICATION/PERMIT
APPENDIX 10.2.4 SECTION 10 OR 404 APPLICATIONS/PERMITS

VOLUME 2

APPENDIX 10.2.5 PREVENTION OF SIGNIFICANT DETERIORATION PERMIT APPLICATION
APPENDIX 10.2.6 AIR OPERATION PERMIT
APPENDIX 10.2.7 COASTAL ZONE MANAGEMENT CERTIFICATIONS
APPENDIX 10.2.8 OTHER FEDERAL PERMITS OR APPROVALS

VOLUME 3

APPENDIX 10.3 ZONING DESCRIPTIONS
APPENDIX 10.4 ENVIRONMENTAL RESOURCE PERMIT
APPENDIX 10.5 LAND USE PLAN DESCRIPTIONS
APPENDIX 10.6 EXISTING STATE PERMITS
APPENDIX 10.7 MONITORING PROGRAMS
APPENDIX 10.7.1 ECOLOGY
APPENDIX 10.7.2 CULTURAL RESOURCES
APPENDIX 10.7.3 NOISE INFORMATION
APPENDIC 10.7.4 TRAFFIC INFORMATION
APPENDIX 10.8 CLIMATE CHANGE AND FPL'S GREENHOUSE GAS STRATEGY
APPENDIX 10.9 THERMAL MODELING ANALYSIS
APPENDIX 10.10 WATER ALTERNATIVES ANALYSIS
APPENDIX 10.11 CURRENT LEASES AND EASEMENTS

LIST OF TABLES

Table 3.2.7-1	Private Sector Employment by Major Industry for Brevard County
Table 3.3.3-1	Water Use Permits Within 5 Miles of CCEC
Table 3.3.4-1	Indian River Lagoon Surface Water Quality
Table 3.3.4-2	Water Quality Data Submitted for Cape Canaveral Plant Pursuant to FDEP Industrial Wastewater Facility Permit
Table 3.3.6-1	Threatened, Endangered, and Species of Special Concern Known to Occur Within Brevard County, Florida
Table 3.3.7-1	Monthly and Annual Average Temperatures Measured at Daytona Beach International Airport
Table 3.3.7-2	Monthly and Annual Average Precipitation and Relative Humidity Measured at Daytona Beach International Airport
Table 3.3.7-3	Seasonal and Annual Average Wind Direction and Wind Speed Measured at Daytona Beach International Airport
Table 3.3.7-4	Seasonal and Annual Average Atmospheric Stability Classes Determined at Daytona Beach International Airport
Table 3.3.7-5	Seasonal and Annual Average Morning and Afternoon Mixing Heights Determined at Daytona Beach International Airport
Table 3.3.7-6	National and State AAQS, Allowable PSD Increments, and Significant Impact Levels
Table 3.3.7-7	Summary of Maximum Measured SO_2, NO_2, PM_{10}, $PM_{2.5}$, O_3, and CO Concentrations Representative of CCEC Project, 2005 through 2008
Table 3.3.8-1	Measured Baseline Ambient Sound Pressure Levels at FPL Cape Canaveral Plant, Plant Off-line, March 2008
Table 3.3.8-2	Measured Baseline Ambient Sound Pressure Levels at FPL Cape Canaveral Plant, Plant On-line, May 2008
Table 4.3.0-1	Typical Natural Gas Composition
Table 4.3.0-2	Expected Ultra Low-Sulfur Light Oil Composition
Table 4.4.1-1A	Stack, Operating, and Emission Data for the Combustion Turbines/HRSGs and Duct Burners for CCEC Operation – Natural Gas Combustion, MPS 501G CT
Table 4.4.1-2A	Stack, Operating, and Emission Data for the Combustion Turbines/HRSGs for CCEC Operation – Ultra Low Sulfur Light Oil Combustion, MPS 501G CT
Table 4.4.1-3A	Summary of Maximum Potential Annual Emissions for CCEC Operation, MPS 501G CTs
Table 4.4.1-1B	Stack, Operating, and Emission Data for the Combustion Turbines/HRSGs and Duct Burners for CCEC Operation – Natural Gas Combustion, Siemens H CT
Table 4.4.1-2B	Stack, Operating, and Emission Data for the Combustion Turbines/HRSGs for CCEC Operation – Ultra Low Sulfur Light Oil Combustion, Siemens H CT
Table 4.4.1-3B	Summary of Maximum Potential Annual Emissions for CCEC Operation, Siemens H CT

Table 4.5.0-1 Process/Potable Design Water Quality

Table 4.6.0-1 CCEC Waste Streams, Characterization and Disposal Method

Table 4.7.0-1 FPL General Waste Handling Guidelines

Table 5.1.1-1 Potential Dismantlement Material and Disposal Options

Table 5.5.1-1 Maximum Estimated Air Emissions During Construction of FPL CCEC

Table 5.7.5-1 Summary of Noise Source Data Used to Predict Sound Pressure During the Construction of CCEC

Table 5.7.5-2 Predicted Sound Pressure Levels for the Construction of CCEC

Table 6.6.0-1 Summary of Predicted Pollutant Concentrations for the Existing Cape Canaveral Plant and CCEC Compared to AAQS

Table 6.7.0-1 Sound Pressure Levels for Noise Sources Associated with FPL CCEC

Table 6.7.0-2 Measured Baseline Ambient Sound Pressure Levels and Predicted Impact of CCEC

Table 7.1.1-1 Anticipated Construction Workforce

LIST OF FIGURES

Figure 1.1.0-1 General Location

Figure 1.2.0-1 Service Territory

Figure 3.1.0-1 Location of the FPL Cape Canaveral Plant in Brevard County, Florida

Figure 3.1.0-2 Project Site Location

Figure 3.1.0-3 Certification Boundary

Figure 3.1.1-1 Existing Plant Site

Figure 3.1.3-1a - d FPL Cape Canaveral Plant Boundary and Topographic Survey

Figure 3.1.4-1 100-Year Flood Zone

Figure 3.2.1-1 Governmental Jurisdictions Within 1-Mile Radius

Figure 3.2.1-2 Governmental Jurisdictions Within 1-, 2-, 3-, 4-, and 5-Mile Radii

Figure 3.2.2-1 Future Land Use

Figure 3.2.2-2 Zoning

Figure 3.2.3-1 Existing Land Use

Figure 3.3.1-1 Generalized Geology and Hydrogeology of Brevard County

Figure 3.3.1-2 General East-West Hydrogeological Cross Section of Brevard County

Figure 3.3.1-3 General North-South Hydrogeological Cross Section of Brevard County

Figure 3.3.3-1 Water Use Permits Within a 5-Mile Radius

Figure 3.3.5-1 Vegetation/Land Use

Figure 3.3.6-1 Listed and Observed Species Occurences Within 5 Miles
Figure 3.3.7-1 Annual Wind Rose for 2001 to 2005 at Daytona Beach International Airport
Figure 3.3.7-2 Winter Wind Rose for 2001 to 2005 at Daytona Beach International Airport
Figure 3.3.7-3 Spring Wind Rose for 2001 to 2005 at Daytona Beach International Airport
Figure 3.3.7-4 Summer Wind Rose for 2001 to 2005 at Daytona Beach International Airport
Figure 3.3.7-5 Fall Wind Rose for 2001 to 2005 at Daytona Beach International Airport
Figure 3.3.8-1 Noise Monitoring Locations
Figure 4.1.0-1 Site and Offsite Construction Areas
Figure 4.2.0-1 Facility Plot Plan
Figure 4.2.0-2 North-South Profile of Combustion Turbines and HRSGs
Figure 4.2.0-3 East-West Profile of Combustion Turbines and HRSGs
Figure 4.4.2-1 Comparison of CO_2 Emission Rates (lb/MW-hr) for the Existing Cape Canaveral Plant and CCEC
Figure 4.5.0-1 Water Balance for CCEC
Figure 4.8.1-1 Construction Drainage Plan
Figure 4.8.1-2 Operation Drainage Plan
Figure 5.7.5-1 Noise Modeling Contours for Construction
Figure 6.7.0-1 Predicted Sound Pressure Levels for CCEC Operation

LIST OF ACRONYMS

AAQS	Ambient Air Quality Standards
ANSI	American National Standard Institute
BACT	Best Available Control Technology
BBtu/hr	billion British thermal units per hour
BCSP	Brevard County Stormwater Program
BEA	U.S. Bureau of Economic Analysis
BMP	Best Management Practice
BOCC	Board of County Commissioners
Btu/gallon	British thermal units per gallon
Btu/kWh	British thermal units per kilowatt hours
Btu/lb	British thermal units per pound
Btu/scf	British thermal units per standard cubic foot
°C	degrees Celsius
CAA	Clean Air Act
CCEC	Cape Canaveral Energy Center
CEM	continuous emission monitoring
CFR	Code of Federal Regulations
cfs	cubic feet per second
cf/yr	cubic foot per year
CO	carbon monoxide
CO_2	carbon dioxide
CT	combustion turbine
dB	decibel
dBA	A-weighted decibel
DLN	dry-low NO_x
EPA	U.S. Environmental Protection Agency
°F	degrees Fahrenheit
F.A.C.	Florida Administrative Code
FAS	Floridan Aquifer System
FCREPA	Florida Committee on Rare and Endangered Plants and Animals
FDACS	Florida Department of Agriculture and Consumer Services
FDEP	Florida Department of Environmental Protection
FDOT	Florida Department of Transportation
FEMA	Federal Emergency Management Agency
FFWCC	Florida Fish and Wildlife Conservation Commission
FGT	Florida Gas Transmission
FLUCFCS	Florida Land Use, Cover and Forms Classification System
FMSF	Florida Master Site File
FNAI	Florida Natural Area Inventory
FPL	Florida Power & Light Company
FPSC	Florida Public Service Commission

F.S.	Florida Statutes
ft	foot
ft^2/day	square feet per day
ft-bgs	feet below ground surface
ft-msl	feet above mean sea level
g/bhp-hr	grams per brake horsepower-hour
gpd	gallons per day
gpm	gallons per minute
gr/100 scf	grains per 100 standard cubic foot
H_2SO_4	sulfuric acid
HHV	high heating value
HRSG	heat recovery steam generator
Hz	hertz
ICU	intermediate confining unit
KDAB	Daytona Beach International Airports
kg	kilogram
km	kilometer
kWh	kilowatt hour
lb/MW-hr	pound per megawatt-hour
lb/MMBtu	pound per million British thermal units
LEED	Leadership in Energy and Environmental Design
LFA	Lower Floridan Aquifer
LHV	low heating value
LOS	Level of Service
m	meter
mag/arcsec^2	magnitudes per square arcsecond
mgd	million gallons per day
mg/L	milligrams per liter
mi^2	square mile
MMBtu/hr	million British thermal units per hour
MMcf/hr	million cubic feet per hour
mph	miles per hour
MPP	Manatee Protection Plan
MPS	Mitsubishi Power Systems
MSW	municipal solid waste
MW	megawatt
NASA	National Academy of Space Administration
NGVD	National geodetic vertical datum
NO_2	nitrogen dioxide
NOI	Notice of Intent
NO_x	nitrogen oxides
NOAA	National Oceanic and Atmospheric Administration

NP	National Park
NRCS	Natural Resource Conservation Service
NSPS	New Source Performance Standards
NWA	National Wilderness Area
NWR	National Wildlife Refuge
NWS	National Weather Service
O_2	oxygen
O_3	ozone
OSHA	Occupational Safety and Health Administration
Pa	pascal
Pb	lead
PCB	polychlorinated biphenyl
PEP	Partnership for Ecosystem Protection
PM	particulate matter
$PM_{2.5}$	particulate matter with an aerodynamic diameter of 2.5 micrometers or less
PM_{10}	particulate matter with an aerodynamic diameter of 10 micrometers or less
POTW	privately owned treatment works
ppm	parts per million
ppmvd	parts per million-dry conditions
PPSA	Power Plant Siting Act
ppt	parts per thousand
PSD	Prevention of Significant Deterioration
PVC	polyvinyl chloride
QA/QC	Quality Assurance/Quality Control
RO/MB	reverse osmosis/mixed bed
ROW	right-of-way
SAS	Surficial Aquifer System
SCA	Site Certification Application
SCR	selective catalytic reduction
SCRAM	Support Center for Regulatory Air Models
SFHA	Special Flood Hazard Area
SJRWMD	St. John's Water Management District
SO_2	sulfur dioxide
SPCC	Spill Prevention Control and Countermeasure
SPL	sound pressure level
SWMD	Solid Waste Management Department
SWMS	Stormwater Management System
SWPPP	Stormwater Pollution Prevention Plan
TDS	total dissolved solids
TPY	tons per year
UFA	Upper Floridan Aquifer
UF/BEBR	University of Florida, Bureau of Economic and Business Research

$\mu g/m^3$	micrograms per cubic meter
µm	micrometer
µPa	micropascal
µS/cm	microsiemens per centimeter
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
VOC	volatile organic compound
vpd	vehicles per day
vph	vehicles per hour

SCA DEFINITIONS

1. "Cape Canaveral Plant" or "existing Plant" – refers to the existing Florida Power & Light (FPL) power plant, including Units 1 and 2 and support facilities, located on the existing Plant Site.

2. "Cape Canaveral Plant Site" or "existing Site" – refers to the FPL-owned property east of U.S. Highway 1 containing Units 1 and 2 and support facilities (about 43 acres including submerged lands lease) and property west of U.S. Highway 1 containing offsite support and electrical facilities (about 56 acres).

3. "Cape Canaveral Energy Center" or "converted Plant" – refers to the proposed combined cycle generating unit and support facilities to be constructed and operated at the existing Plant Site.

4. "Cape Canaveral Energy Center Project" or "Project" – refers to the entire "Project" for which FPL seeks certification, including dismantlement of the existing Plant, construction of the converted Plant, the offsite construction laydown and parking area, and transmission-related activities.

5. "Cape Canaveral Energy Center Site" or "Site" – refers to the property on which both the existing Plant is and the converted Plant will be located, comprising approximately 43 contiguous acres (including approximately 1.5 acres of leased submerged lands) in unincorporated Brevard County, as depicted in the SCA and on the boundary survey included herein, as the Site to be certified for the Cape Canaveral Energy Center.

6. "Power Block" – refers to the area that will be occupied by the proposed combined cycle unit that includes three combustion turbines/heat recovery steam generators (CTs/HRSGs), steam turbine generator, fuel heater, auxiliary boiler, emergency generators, and fire pump engine.

7. "onsite" – refers to areas within the Site.

8. "offsite" – refers to areas outside the Site that consists of the offsite construction laydown and parking area and transmission-related activities.

9. "offsite construction laydown and parking area" – refers to the FPL-owned property located to the west of U.S. Highway 1 and adjacent to the existing FPL substation. This area will be used as the offsite construction laydown and parking area during construction of the Project.

10. "construction" – refers to work to be performed as part of the Project, including construction of the converted Plant's generating unit and all supporting facilities, structures, equipment, and systems, as well as the offsite construction laydown and parking area and transmission-related activities, as presented in the SCA.

11. "dismantlement" – refers to all activities associated with the removal of the existing Cape Canaveral Plant facilities.

12. "peninsula" – refers to the man-made land extending eastward from the Site into the Indian River Lagoon which was constructed by FPL in the mid-1960s to separate the discharge from the existing Plant between the intake and discharge structures. This peninsula is integral to power plant operations and contains a functioning fuel oil barge slip facility.

APPENDIX 10.3

ZONING DESCRIPTIONS

ORDINANCE NO. 08-40

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING SECTION 62-1572 TO PERMIT ELECTRIC, NATURAL GAS, WATER AND WASTEWATER UTILITIES THAT ARE EITHER PUBLICLY OWNED OR REGULATED BY THE PUBLIC SERVICE COMMISSION IN THE GML ZONING CLASSIFICATION; CREATING SECTION 62-1926 TO ESTABLISH CONDITIONS FOR CONSIDERATION OF SUCH UTILITIES IN THE GML ZONING CLASSIFICATION; AMENDING SECTION 62-2101.5 TO REGULATE THE HEIGHT OF SUCH USES IN THE GML ZONING CLASSIFICATION; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE BREVARD COUNTY CODE OF ORDINANCES.

WHEREAS, the Board of County Commissioners, on May 29, 2008, directed preparation of an amendment to the Zoning Regulations to permit Electric Power Generation Facilities and other Public Service Commission regulated utilities in the GML zoning classification; and

WHEREAS, the Local Planning Agency, on August 18, 2008, reviewed the proposed ordinance and unanimously recommended approval; and

WHEREAS, the Board of County Commissioners has reviewed the recommendations of the Local Planning Agency and has considered the comments of interested citizens in public hearing; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. Chapter 62, Article VI, Section 62-1572, Code of Ordinances of Brevard County, Florida, is hereby amended to read as follows:

Sec. 62-1572. Government managed lands, GML.

The purpose of the GML government managed lands zoning classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities. Activities encompassed within this classification include but are not limited to aviation, education and public services. Emphasis is on protecting existing and future public and private investments, as well as ensuring that such activities are

"OFFICIALLY FILED WITH, THE SECRETARY OF STATE, October 9, 2008"

managed in accordance with the comprehensive plan and any regulations or ordinances relating to such activity. A concept plan may be required.

(1) *Permitted uses.* Each application for government managed lands zoning shall designate the intended use of the property as either Parks and Conservation (P), Institutional (I), Utility (U), or High-Intensity (H). The parks and conservation designation shall include active and passive recreational uses as well as permanent or temporary conservation uses. The institutional use designation shall include offices, schools, meeting rooms, parking garages, police and fire stations, and hospitals. The utility designation shall include electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission. The high-intensity designation includes industrial activities, correctional facilities, ports, airports or other transportation hubs and other high-intensity activities which are not considered institutional uses. ~~Properties currently zoned GML are not subject to this requirement.~~ Proposed conversions of any property zoned GML but not containing the (P), (I), (U), or (H) suffix designation to a more intense use will require a rezoning.

a. The following is a list of uses permitted within this classification, as well as the required use designation:

Administrative offices for government or other public agencies. (I)

Cemeteries and mausoleums. (I)

Fire stations. (I)

Group homes, levels I and II. (I)

Historical landmarks, sites and memorials. (I)

Libraries. (I)

Non-governmental organizations conducting life science, ocean, coastal and marine research, or environmental science research in partnership with a government entity. (I)

Parking lots or garages. (I)

Parks and recreational facilities. (P)

Ports and related activities. (H)

Post offices. (I)

Preservation and wildlife management. (P)

Public golf courses. (P)

Public museums. (I)

Public schools. (I)

Sewer lift stations. (H)

Space-related activities. (H)

Wellfields and water towers. (H)

b. The following uses require the high-intensity use designation and are permitted subject to development standards set forth for the light industrial zoning classification as delineated in section 62-1543:

Bus line shops and storage.

Laboratories and other facilities for research.

Printing, engraving and other reproduction processes, as well as publishing and distribution of printed material.

Public utility rights-of-way and publicly owned structures and garages.

Warehousing and storage yards.

Other similar public buildings and facilities.

c. Within the high intensity use designation, permitted uses with conditions are as follows (see division 5, subdivision II of this article):

Dredged material management areas.

d. Within either the institutional or high intensity use designations, permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Assisted living facilities.

Athletic complexes and stadiums.

Crematoriums.

Hospitals.

Recovered materials processing facility.

Towers and antennae.

e. Within either the parks and conservation, institutional, or high intensity use designations, permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Cattle grazing.

(2) *Accessory uses.* Uses secondary and incidental to permitted uses are permitted, including but not limited to the following:

Caretaker's or watchman's residence.

Dining and recreational facilities for occupants of a site.

Laundry facilities.

Parking garages.

Power plants.

Machine shops.

Maintenance shops.

Temporary security trailer.

(3) *Conditional uses.* The following conditional uses require the high-intensity (H) or utility (U) use designation, as indicated. Conditional uses are as follows:

Airports and aviation-related activities, including industrial parks, subject to the development standards set forth in section 62-1544.

Arsenals and explosives. (H)

Composting facility. (H)

Convention, civic or exhibition center. (H)

Electric, natural gas, water and wastewater utilities. (U)

Hazardous waste facility. (H)

Land alteration (over five acres and up to 30 acres). (H)

Manufacturing, processing and storage of asphalt and asphalt products, sand and gravel, subject to development standards set forth in section 62-1544. (H)

Motocross. (H)

Mulching facility. (H)

Prison camp correctional facilities. (H)

Residential/recreational marina. (H)

Solid waste management facilities. (H)

Water and sewage treatment facilities. (H)

Zoological parks. (H)

(4) *Minimum floor area.* All principal structures shall contain at least 300 square feet of floor area.

(5) *Minimum lot size.* An area of not less than 7,500 square feet is required, having a width and depth of at least 75 feet.

(6) *Setbacks.* The front setback shall be 25 feet from the property line, the rear setback shall be 20 feet, and the side setbacks shall be ten feet. The side setback for corner lots shall be 15 feet from the side lot line which abuts a road. If a corner lot is contiguous to a key lot, the side setback shall be not less than 25 feet.

(7) *Structural height standards.*

a. Where the property abuts any other land located in the GU, AGR, AU, ARR, REU, RU-1-7, RU-1-9, RU-1-11, RU-1-13, RR-1, EU, EU-1, EU-2, SEU, SR, RVP, TR-1-A, TR-1, TR-2, TR-3, TRC-1, RRMH-1, RRMH-2.5, RRMH-5, EA, PA or GML zoning classification, the maximum height threshold of any structure or building thereon shall be 35 feet.

b. Where the property abuts any other land located in the RA-2-4, RA-2-6, RA-2-8, RA-2-10, RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RP or BU-1-A zoning classification, the maximum height threshold of any structure or building thereon shall be 45 feet.

c. Where the property abuts any other land located in the RU-2-15, RU-2-30, BU-1, BU-2, PIP, PBP, IU, IU-1, TU-1 or TU-2 zoning classification, the maximum height threshold of any structure or building thereon shall be 60 feet.

d. Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 62-2101.5 as applicable shall be fully satisfied.

e. Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by section 62-2101.5.

SECTION 2. Chapter 62, Article VI, Section 62-1926, Code of Ordinances of Brevard County, Florida, is hereby created to read as follows:

Section 62-1926. Electric, natural gas, water and wastewater utilities in the GML(U) zoning classification.

Certain electric, natural gas, water and wastewater utilities may be permitted as a conditional use in the GML(U) zoning classification under the following conditions:

1. The utility must be either publicly owned or regulated by the Public Service Commission. "Merchant" or "wholesale" electric generation facilities shall be regulated as a heavy industrial use as described in Section 62-1102.
2. The applicant shall provide data and analysis demonstrating that that the facility will meet all applicable performance standards of Chapter 62, Article VI, Division 6, Subdivision III, Brevard County Code.
3. The Board may require additional setbacks, buffers or other means to mitigate any potential adverse impacts and insure compatibility with the surrounding land uses according to the general standards of review in Section 62-1901(c).
4. Electric generation facilities shall also meet the following location standards.

Location	Maximum Generating Capacity	Maximum Trip Generation
Local Streets	2 MW	20 trips/day
Collector Streets	10 MW	100 trips/day
Arterial Streets	No limit	No limit

SECTION 3. Chapter 62, Article VI, Section 62-2101.5, Code of Ordinances of Brevard County, Florida, is hereby amended to read as follows:

Sec. 62-2101.5. Additional building height.

(a) All building heights above 35 feet, regardless of classification and as otherwise regulated

by this chapter, are subject to the following standards, unless otherwise specified herein. For the purpose of this section, the term "residentially zoned parcel" shall mean any parcel zoned for single family detached residential or single lot mobile home residential use, including GU, PA, AGR, AU, ARR, REU, RR-1, SEU, SR, EU, EU-1, EU-2, RU-1-13, RU-1-11, RU-1-9, RU-1-7, RRMH-1, RRMH-2.5, TR-1-A, TR-1, TR-2, TRC-1 and comparable tracts in PUD or RPUD.

(1) The ratio between the distance to the lot line of the adjacent parcel (regardless of zoning or use) and the height of the structure shall be at least 1.25:1, and

(2) The ratio between the distance to the lot line of any residentially zoned parcel and the height of the structure shall be at least 2:1.

(b) Additional building height above the maximum thresholds as provided by this chapter is available on parcels only in the following specific zoning classifications or circumstances.

(1) For parcels zoned PUD or RPUD, or parcels designated "DRI" on the Future Land Use Element of the Comprehensive Plan, ~~(except those described in subsection (4), below)~~, the height of a structure may exceed the height threshold only under the following conditions:

a. Those conditions described in subsections (a)(1) and (2) above (applied to the perimeter of the project), and

b. Structures within the above-described distance must not exceed the height permitted in the adjacent zoning classification.

(2) For commercial (BU-1, BU-2, PBP) or government managed (GML) parcels ~~(except those described in subsection (4) below)~~, the height of a structure may exceed the height threshold only under the following conditions:

a. Those conditions described in subsections (a)(1) and (2) above, and

b. The parcel is located in an urban area described as 30 units per acre or 15 units per acre by the comprehensive plan, and

c. The parcel does not abut any residentially zoned parcel, and

d. The structure contains a mix of both commercial and residential uses, with at least the first floor being entirely commercial, and at least one other floor being entirely residential (except GML).

(3) For industrial (PIP, IU, IU-1) or government managed (GML) parcels ~~(except those described in subsection (4), below)~~, the height of a structure may exceed the height threshold only under any of the following conditions:

a. If the height of the structure is mandated by a state or federal agency in order to satisfy an environmental regulation, then only that condition described in subsection (a)(2) shall apply.

b. If the parcel abuts only other IU or IU-1 zoned parcels, then only that condition described in subsection (a)(2) shall apply.

c. If the parcel abuts any combination of parcels which in their entirety are zoned either industrial or commercial or both, and which include at least one parcel zoned PIP or at least one parcel zoned commercially, then both those conditions described in subsections (a)(1) and (2) shall apply.

SECTION 3. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule code or regulation, the more restrictive shall apply.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 6. Effective Date. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

SECTION 7. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Brevard County Code, and that the sections of this ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED, in regular session, this 2nd day of October, 2008.

Attest:

Scott Ellis, Clerk

(SEAL)

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA

Truman Scarborough, Chairman
As approved by the Board on October 2, 2008.

September 23, 2008

Brevard County Planning & Zoning Office
2725 Judge Fran Jamieson Way, Building A (Suite 114)
Viera, Florida 32940

Attn: Richard D. Enos, Zoning Manager

RE: FPL CAPE CANAVERAL ENERGY CENTER PROJECT
PERFORMANCE STANDARDS RESPONSE REQUEST AND
ZONING AMENDMENT APPLICATION — MODIFICATION

Dear Mr. Enos:

On July 10, 2008, Florida Power & Light Company (FPL) submitted to Brevard County Planning & Zoning Office an application for a Zoning Amendment and a Conditional Use Permit for the existing property identified as 6000 US Highway 1, Cocoa, Florida 32927 (with modifications to this application provided on August 4, 2008). This application is in association with FPL's plans to convert the existing Cape Canaveral energy generating facility into a modern, highly efficient, lower-emission next generation energy center using the latest combined cycle technology.

Based on a request made by your office, FPL is pleased to provide responses involving the proposed conditional use and the county's performance standards, as stated in Chapter 62 Land Development Regulations, Article VI Zoning Regulations, Division 6 Supplemental Regulations, Subdivision III Performance Standards. The responses identify FPL's understanding of the requirements of the performance standards and represent its commitment to Brevard County that it will meet those standards.

In addition, since the submission of the Zoning Amendment Application and Conditional Use Permit, FPL continues to move forward with the planning and design of the proposed conditional use. Further, as discussed earlier in the planning process, FPL is committed to providing planning and design updates to Brevard County. Therefore, FPL is submitting two modifications to the above-referenced application packet. These modifications consist of:

- A Revised Conceptual Site Plan that identifies the location of a potential new gas compression station within the northwest area of the property boundary. The gas compression station will serve to provide a temporary source of natural gas to the proposed conditional use until such time as the permanent fuel source is operational; and
- A modification to the Noise Analysis based on the identification and location of the potential new (temporary) gas compression station within the property boundaries. The noise analysis results were previously provided to Brevard County on August 26, 2008.

The Brevard County performance standards state that additional analyses and documentation may be necessary during site plan review. FPL would like to remind Brevard County that FPL will be seeking certification of the converted facility pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Chapter 403, Florida Statutes, and Chapter 62-17, Florida Administrative Code (F.A.C.). Under this certification process, further review of analyses will be conducted by parties to this application, such as Brevard County.

FPL looks forward to working on this project with you and others in the Planning and Zoning Office as well as other reviewers in the county. If you should have any questions regarding our application, please do not hesitate to call me at (561) 691-7518 or Ashley Pinnock at (561) 304-5127.

Sincerely,

Barbara P. Linkiewicz
Director of Environmental Licensing

cc: FPL: Bill Hyde and Ashley Pinnock
Gray Robinson, P.A.: Philip Nohrr
Golder: Richard Zwolak, Kerri Kitchen, and David Witte

Brevard County
Chapter 62 Land Development Regulations, Article VI Zoning Regulations, Division 6 Supplemental Regulations, Subdivision III Performance Standards

FPL Responses to Brevard County's Performance Standard Requirements

Sec. 62-2254. Smoke.

(b) *Performance requirements.* No person shall discharge into the atmosphere, from any single source of emission whatsoever, any air contamination, for a period or periods aggregating more than three minutes in any one hour, which is as dark or darker in shade than that designated as no. 2 on the Ringelmann chart, or of such opacity, excluding water vapor, as to obscure an observer's view to a degree equal to or greater than does smoke as described in this subsection.

FPL Response: FPL believes that this performance standard will be met by demonstration with a different evaluation method with a lower opacity limit than that of the county performance standard. The facility will maintain an opacity measurement that is less than the opacity allowed by a Ringelmann No. 2 limit. The method that will be utilized by the facility is USEPA (U.S. Environmental Protection Agency) Method 9, which is appropriate for the type of emission source where the smoke is emitted through a stack. USEPA Method 9 is used by the State of Florida in permitting power plants for the monitoring of opacity. The evaluation includes a 6-minute period to determine opacity. The State air emissions permit will require that the repowered units meet a limit of 10 percent opacity.

Sec. 62-2255. Dust and particulate matter.

Dust and particulate matter shall meet the standard of no significant deposition off-site to adjoining lots or roads. Significant deposition is where deposition from the site can be seen as a regular pattern of deposition leading from the site by wind or vehicular deposition as a result of the manufacturing or operation of a particular site. The deposition shall be sufficient to be collected from vegetation or hard surfaces. The county shall determine whether the pattern of deposition is a result of the regular operation of the industrial use or vehicular traffic on the site, not a short term landscaping or construction activity that was impacted by severe winds. All long term construction is expected to use best management practices to reduce dust.

FPL Response: The proposed conditional use will not result in significant deposition of dust and particulate matter off-site to adjoining lots or roadways, thereby meeting this performance standard. The proposed conditional use will comply with identified best management practices for dust and particulate matter suppression on-site (e.g., wetting of exposed soil and roadways, washing down of equipment, vegetation planting and landscaping, and general clean-up practices) during both construction and operation. The identified measures will be in place long-term to reduce potential impacts upon the surrounding properties.

Sec. 62-2256. Odor.

(a) *Performance requirements.* All uses shall be controlled to prevent the emission of odorous gases or other matter in such quantities as to be readily detectable or to produce a public nuisance or hazard at any point as measured along the lot lines. Detailed plans for the elimination of odorous matter may be required before the issuance of a building permit.

All uses shall meet the odor standards in this section during site plan approval. Site plans must include documentation assuring that odor standards will not be exceeded by the intended use. The odor shall be measured by determining in parts per million (ppm) the chemicals present. This shall then be compared to data in Tables 5.1 or 5.3, Odor Thresholds: for Chemicals with Established Occupational Health Standards, published by the American Industrial Hygiene Association (1989) or the latest reprint or revision. All measurements shall follow American Society of Testing Materials (ASTM) procedures.

(1) Where Table 5.1, Odor Thresholds: for Chemicals with Established Occupational Health Standards; Range of Acceptable Values, referenced above contains several levels cited, the lowest value shall be used as the standard.

(2) Where the chemical is not listed in Table 5.1, Odor Thresholds: for Chemicals with Established Occupational Health Standards, then Table 5.3, Odor Thresholds: for Chemicals with Established Occupational Health Standards shall be reviewed. Where data is found in Table 5.3, Odor Thresholds: for Chemicals with Established Occupational Health the lowest accepted value of all reported odor threshold measurements shall be used.

FPL Response: Tables 5.1 and 5.3 of this American Industrial Hygiene Association (AIHA) document contain the odor thresholds that are the basis of this performance standard. These tables contain the odor thresholds for numerous pure chemicals. The proposed conditional use will not emit any of the chemicals listed in Tables 5.1 or 5.3 as pure chemicals. Rather, for a limited number of the compounds listed in Tables 5.1 and 5.3, some minor amounts of listed chemicals will be contained in exhaust gases of the combined cycle unit. The proposed conditional use will fall under the permitting authority of the Florida Department of Environmental Protection (FDEP). As a result, the compounds emitted by the proposed conditional use will be addressed in the Air Construction Permit Application submitted to the FDEP. This application will include the quantities of the potentially odorous compounds listed in Tables 5.1 and 5.3 of the AIHA document. Based on preliminary analyses using FDEP-approved air dispersion models, the maximum predicted concentrations of the compounds emitted by proposed conditional use and listed in the AIHA document will be less than the lowest value for the compounds listed in Table 5.1. They will be about 10 to several thousand times lower than the lowest value for those compounds.

Sec. 62-2257. Lighting standards.

(a) Exterior lighting elements or structural materials installed on site shall not cast light or reflect glare beyond the boundaries of the site to the extent that the amount of glare or light is objectionable to a person of ordinary and reasonable sensibilities. This section does not apply to street lighting in public or private rights of way or adjacent utility easements.

(b) Two types of light sources or luminaires are permitted. The first type allows for low lighting threshold needs (light intensities equal to or less than 2,780 initial lumens, per source or luminaire) and is termed a non cut-off fixture. A non cut-off fixture does not direct or limit the view of the light source or luminaire. The second type allows for higher light intensities greater than 2,780 initial lumens, per source or luminaire and is termed a cut-off fixture. A cut-off fixture is a lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed. House-side shields are cut-off fixture attachments which further restrict light leaving the luminaire. The maximum downward vertical angle of light leaving a cut-off fixture utilizing house-side shields shall be 45 degrees. All properties required to submit a site plan pursuant to section 62-3203 shall meet the following lighting standards:

(1) All lighting fixtures or luminaires providing light intensities greater than 2,780 initial lumens (the equivalent of a 150 watt frosted incandescent bulb) shall utilize cut-off fixtures with a flat lens. All cut-off fixtures, except for "accent" lighting fixtures, shall be installed parallel to the ground or at a zero degree horizontal angle. All cut-off fixtures installed within five feet of the property line shall utilize a horizontal lamp with house-side shields. Sag lenses are prohibited. Non cut-off and accent lighting fixtures are prohibited to be installed within five feet of the property line. Interior to the site, non cut-off fixtures or luminaires may use any lighting source but are limited to light intensities equal to or less than 2,780 initial lumens.

(2) The maximum illumination measured at the property line of abutting residential zoning shall not exceed two-tenths footcandles. On abutting non-residential properties or public streets, the maximum illumination at the property line shall be five footcandles or the ambient lighting from street lights, whichever is less.

(3) No light source shall exceed an illumination of 50 footcandles without a conditional use being granted upon demonstration of the need for highly exacting measurements or other activities that necessitate such illumination-levels. Normal commercial activities including gas stations, fast food or automobile dealerships do not require illumination in excess of the standards.

(4) Accent lighting is hereby defined as the lighting of area(s) within a site which emphasizes key architectural elements of the site's building(s), particular objects such as a piece of art or retail displays, or landscaped areas without creating shadows or hot spots resulting in uneven site lighting conditions. All lighting fixtures (cut-off or non cut-off) utilized to provide accent lighting shall be so designated on the site's engineered site plan. Accent lighting fixtures providing illumination for specific portions of a building's wall area are known as wall-washers. Wall-washer light fixtures are cut-off or non cut-off lighting fixtures normally mounted at ground level and aimed at an upward angle to cast illumination upon an adjacent building's wall. Up-lighting is the term used to describe the lighting of objects located above the horizontal plane of the lighting fixture. Down-lighting is the term used to describe the lighting of objects located below the horizontal plane of the lighting fixture. Accent lighting

fixtures which utilize up-lighting or are used to illuminate landscape vegetation shall be limited to a maximum 5.0 foot-candles lighting threshold in order to limit the adverse impacts of light pollution (illumination of the night sky). Accent lighting fixtures which utilize down-lighting shall be limited to a reduced 35.0 foot-candle maximum lighting threshold in order to limit the adverse impacts of glare and reflection.

FPL Response: The proposed conditional use will be required to meet the security requirements of the Maritime Transportation Security Act 2002, which states outdoor lighting requirements for security purposes and equipment inspection (at site ingress and egress points). All buildings and facility equipment will be designed as deemed practical so as to minimize glare; therefore, the proposed conditional use will meet this performance standard. These requirements will serve to protect the facility while not resulting in disturbance to adjacent property owners and users.

Sec. 62-2259. Vibration.

(a) *Vibration* shall mean a periodic motion of the particles of an elastic body or medium in alternatively opposite directions from the position of equilibrium when that equilibrium has been disturbed; the action of vibrating; the state of being vibrated.

(b) Vibrations of an elastic medium which are audible, visible or sensible to a normal person of normal sensibilities shall not be permitted or discernible at or beyond the property line of the parcel or lot from which the vibration is emanating. Examples of vibration sources would include: drop forges, vibrating heavy machinery and high power/low frequency sound sources which result in ground vibration.
(Code 1979, § 14-20.42(D)(7); Ord. No. 97-49, § 24, 12-9-97; Ord. No. 2000-07, § 7, 1-25-00; Ord. No. 01-45, § 2, 9-4-01)

FPL Response: The operation of the proposed conditional use and its associated facilities will not result in any perceptible vibration at the lot line of the property; therefore, the proposed conditional use will comply with this performance standard.

Sec. 62-2260. Electrical radiation.

Any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any operation or equipment other than that of the creation of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.
(Code 1979, § 14-20.42(D)(8); Ord. No. 2000-07, § 7, 1-25-00)

FPL Response: The proposed conditional use will comply with this performance standard. The FDEP regulates electric magnetic fields from electrical transmission lines under the provisions of Sections 403.061(30) and 403.523(14) of the Florida Statutes. The proposed conditional use will be constructed across from an existing FPL electrical switchyard and substation; improvements to these facilities will be conducted to support the proposed conditional use. These improvements and the general operation of the switchyard and substation will not result in significant increases in electrical radiation at any point on or beyond the lot line that results in exceedance of state regulations.

Sec. 62-2261. Heat and humidity.

All uses shall ensure that no impacts of heat, humidity, or steam are measurable at the property line to a height of 30 feet.
(Code 1979, § 14-20.42(D)(9); Ord. No. 2000-07, § 7, 1-25-00)

FPL Response: The proposed conditional use will comply with this performance standard. Operation activities of the proposed conditional use will not have an adverse effect of heat, humidity, or steam at the property lot line. Movement of air may be affected on-site due to turbine air intake manifolds and emissions from the combustion turbine stack, although these potential changes will primarily be limited to areas within the property site boundary.

Sec. 62-2262. Fire and explosion hazards.

In the IU-1 district only, storage, utilization or manufacture of solid materials or products including free-burning and intense-burning materials is permitted providing that such materials or products shall be stored, utilized or manufactured within completely enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system. In the IU-1 district only, the storage, utilization or manufacture of flammable liquids or materials which produce flammable or explosive vapors is permitted if in accordance with all applicable laws and ordinances.
(Code 1979, § 14-20.42(D)(10); Ord. No. 2000-07, § 7, 1-25-00)

FPL Response: The proposed conditional use will be located within a Government Managed Lands (Utilities) (GML[U]) district; therefore, the requirements of this performance standard are not applicable. The proposed conditional use will be operated to minimize the danger from fire and explosion. The proposed conditional use will meet and follow the National Fire Protection Standards (NFPA) and Occupational Safety and Health Administration (OSHA) requirements.

Sec. 62-2263. Radiation.

All uses involving radioactive materials shall meet state and federal standards.
(Code 1979, § 14-20.42(D)(11); Ord. No. 2000-07, § 7, 1-25-00)

FPL Response: The proposed conditional use will not generate or use radioactive materials; therefore, the proposed conditional use will comply with this performance standard.

Sec. 62-2264. Waste disposal.

No waste material or refuse shall be dumped upon or permitted to remain upon any part of any property outside of the buildings constructed thereon. All sewage and industrial waste shall be treated and disposed of in such manner so as to comply with the standards of the county health department and state and federal regulations. All plans for waste disposal facilities shall be required before the issuance of any building permit.
(Code 1979, § 14-20.42(D)(12); Ord. No. 2000-07, § 7, 1-25-00)

FPL Response: The proposed conditional use will comply with this performance standard. The proposed conditional use will not result in dumping of waste materials or refuse upon any part of the property boundary. The proposed conditional use will comply with current agreements with the county for the collection and disposal of solid waste. There will be no discharge of sewage or other waste to streams or wetlands. All sanitary wastes will be discharged into the county sanitary system. All wastes associated with the proposed conditional use will be managed according to federal, state, and local regulations and FPL's "waste guidelines" with appropriate modifications to accommodate the proposed conditional use.

Sec. 62-2265. Airborne emissions.

All emissions shall be as permitted by the State of Florida. Under no circumstance shall the emission levels involve the importation of air pollution credits into the county, even if the state would issue a permit on that basis. No use requiring a Title V permit, as defined and regulated by the state department of environmental regulation, or a construction permit that would lead to a Title V permit (excluding a Title V General Permit), shall be permitted in the county except through the issuance of a conditional use permit.
(Ord. No. 99-45, § 4, 8-12-99; Ord. No. 2000-07, § 7, 1-25-00)

FPL Response: The facility will meet the emissions limits as permitted by the State of Florida, and the proposed conditional use will comply with this performance standard.

Sec. 62-2266. Water quality.

All sewer discharges shall be approved by the county manager or his/her designee. All point source discharges shall have a national pollution discharge permit. Storm water facilities shall meet the requirements of article X of this chapter. All industrial uses will meet all state and federal point and non-point water quality standards, discharge standards, or any pretreatment requirements. Reclaimed water should be used in all processes and/or operations to the greatest extent practicable.
(Ord. No. 2000-07, § 8, 1-25-00)

FPL Response: The proposed conditional use will comply with this performance standard. All sanitary wastes from the proposed conditional use will be discharged into the county sanitary system. The proposed conditional use will be designed to eliminate direct discharge to surface waters. All contact stormwater will be routed through an oil/water separator and then routed to the stormwater retention ponds. Non-contact stormwater runoff will be collected and routed to stormwater retention ponds. The stormwater retention system will be designed to meet applicable standards for Brevard County Stormwater Management, St. Johns River Water Management District (SJRWMD), the FDEP, and the USEPA.

Sec. 62-2267. Water consumption.

All uses consuming more than 100,000 gallons per day of potable water shall be conditional uses.
(Ord. No. 2000-07, § 8, 1-25-00)

FPL Response: The proposed conditional use will comply with this performance standard. The proposed conditional use will continue to utilize the municipal water supply system as its water source and will maintain existing agreements with the county for this service. Under its permit issued by the FDEP, FPL will

continue to obtain water from the Indian River Lagoon (Intracoastal Waterway) for once-through cooling water.

Sec. 62-2268. Signs.

All signs shall meet the provisions of article IX of this chapter.
(Ord. No. 2000-07, § 8, 1-25-00)

FPL Response: The proposed conditional use will meet the requirements of Article IX of Chapter 62 and will therefore comply with this performance standard.

Sec. 62-2269. Hazardous materials.

All uses shall comply with state and federal standards. Any use that is required to submit a federal risk management plan (RMP) shall submit the same to the county at the time of site plan approval. The county shall review the site plan in light of minimizing risk to neighbors, the county, or the environment. The county may impose design conditions to maximize protection of the health and safety. Any use which requires a RMP shall not be permitted in the BU-1 or BU-2 Districts.
(Ord. No. 2000-07, § 8, 1-25-00)

FPL Response: The proposed conditional use will comply with this performance standard. The proposed conditional use will comply with all state and federal standards pertaining to hazardous materials, and procedures will be followed concerning the need for a federal RMP.

Sec. 62-2270. Access.

Defines the type of road that an industrial development or lot that is not in a subdivision shall access. Access for industrial uses shall not traverse a residential neighborhood's collector roadway unless access is not otherwise feasible and is approved by the board of county commissioners. All uses that involve heavy truck traffic or loads on a county road shall receive certification from the county department of transportation that the road base is sufficient to carry the load weight and frequency of the proposed traffic. Where road base is insufficient the permit shall be denied, unless there are suitable funds provided by the developer to upgrade the road to handle the proposed load, or an agreement is adopted by the board of county commissioners and the developer to address the issue in some other acceptable manner.
(Ord. No. 2000-07, § 8, 1-25-00)

FPL Response: The proposed conditional use will comply with this performance standard. Ingress and egress for the proposed conditional use are by a public arterial roadway, US Highway 1, a four-lane divided highway, that is located immediately west of the proposed conditional use. Therefore, the proposed conditional use will not traverse residential neighborhood collector roadways. FPL will coordinate with regulatory representatives to obtain sufficiency certifications.

Sec. 62-2271. Noise.

(a) *Terminology, standards and definitions.*

(1) *Terminology and standards.* All technical acoustical terminology and standards used in this article which are not defined in subsection (2) shall be read or construed in conformance with the American National Standards Institute, Inc., (ANSI) publication entitled "Acoustical Terminology, designated as ANSI S1.1-1960, or its successor publication.

(2) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning:

a. *A-weighted sound pressure level* shall mean the sound pressure level, in decibels, as measured on a sound level meter using the A-weighting network. The level so read shall be designated as dB (A-wt)

b. *Ambient noise level* shall mean the sound pressure level of the all-encompassing noise emanating from a given environment, usually being a composite of sounds from many sources.

c. *ANSI* shall mean the American National Standards Institute.

d. *Construction activities* shall mean any and all activity incidental to the erection, demolition, assembling, altering, installation or equipping of buildings, structures, roads or appurtenances thereof, including land clearing, grading, excavating and filling.

e. *Decibel* or *dB* shall mean a unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micro-newtons per square meter.

f. *Emergency* shall mean any occurrence or circumstance involving actual or imminent physical death or trauma, or property damage, demanding immediate emergency work or service.

g. *Emergency work or emergency service* shall mean any labor performed for the purpose of preventing or alleviating, or attempting to prevent or alleviate, an emergency.

h. *Equivalent sound pressure level (Leq)* shall mean a sound level descriptor based on the average acoustic intensity over time. Leq is intended as a single number indicator to describe the mean energy or intensity level over a specified period of time during which the sound level fluctuated, Leq is measured in dB and must be A-weighted.

i. *Impulsive sound* shall mean a sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include pile drivers, drop forge impacts, the discharge of firearms, the barking of dogs, and the beating of drums.

j. *Motorboat* shall mean any boat or vessel propelled or powered by machinery, regardless of whether such machinery is the principal source of propulsion, including boats, barges, amphibious craft, water ski towing devices and hovercraft.

k. *Motor vehicle* shall mean any vehicle defined as motor vehicle by F.S. § 320.01(1)

l. *Multifamily residential dwelling* shall mean a building designated or used exclusively for residential occupancy by two (2) or more families.

m. *Multifamily residential dwelling unit* shall mean the portion of a multifamily residential dwelling designed or used exclusively for residential occupancy by only one family.

n. *Noise* shall mean any sound produced in such quantity and for such duration that it annoys, disturbs or may injure a reasonable man or woman of normal sensitivities.

o. *Person* shall mean an individual, association, partnership, or corporation, including any officer, employee, department, agency or instrumentality of the United States, the state or any political subdivision thereof.

p. *Plainly audible sound* shall mean any sound for which the information content of that sound is communicated to the listener, including understandable spoken speech or comprehensible musical rhythms.

q. *Powered model vehicle* shall mean any self-propelled airborne, waterborne, or landborne plane, vessel, or vehicle, which is not designed to carry persons, including any model airplane, boat, car, or rocket.

r. *Property line* shall mean an imaginary line along the surface of land or water, and its vertical plane extension, which separates the real property owned, rented or leased by a person from the real property owned, rented or leased by another person. Where the real property owned, rented or leased by a person abuts a waterbed, the term "property line" shall mean the established normal high water elevation of the waterbed.

s. *Public right-of-way* shall mean any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by the county.

t. *Pure tone* shall mean any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB for center frequencies of five hundred (500) Hz and above and by eight dB for center frequencies between 160 and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

u. *RMS sound pressure* shall mean the square root of the time averaged square of the sound pressure.

v. *Sound* shall mean an oscillation in pressure, stress, particle displacement, particle velocity or other physical parameter, in a medium with internal forces. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

w. *Sound level* shall mean the weighted sound pressure level obtained by the use of a metering characteristic and weighting A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971), or successor publications. If the weighting employed is not indicated, the A-weighting shall apply.

x. *Sound level meter* shall mean in instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting network used to measure sound pressure levels. The output meter reads sound pressure level when properly calibrated. The sound level meter shall be of type 2 or better as specified in the American National Standards Institute publication entitled "Specifications for Sound-Level Meters," designated as ANSI S1.4-1971.

y. *Sound pressure* shall mean the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by the presence of sound energy.

z. *Sound pressure level* shall mean a 20 times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of 20 micro-newtons per meter squared. The sound pressure level is denoted Lp (or SPL) and is expressed in decibels.

aa. *Use* shall mean any activity, event, operation or facility which creates noise.

bb. *Water craft* shall mean any machine in, upon or by which any person or property is or may be transported or drawn upon or over any watercourse or body of water, including swamp lands; this term shall include hovercraft and air boats.

(b) *Measurement of sound.* Sound shall be measured with a sound level meter. Sound meters utilized for enforcement action shall have data logging capability and output to preserve a graphical record of measurements. Sound measurements shall be taken so as to secure and ensure an accurate representation of the sound. Sound level meters shall utilize an A-weighted filter, set to slow response, with a 3dBA doubling rate and no cut-offs. Measurements of sound in support or defense of an enforcement action shall be performed by individuals with documented training and/or experience in the collection and interpretation of sound level data.

(1) The sound level shall be measured at a distance no closer to the point from which the sound in question in emanating than the property line of the parcel or lot from which the sound is emanating.

(2) A measurement period shall be not less than 15 minutes in duration.

(3) The sound being measured shall be representative of the sound which instigated the complaint.

(4) A measurement should be taken at approximately five feet above the ground or water surface, away from any obstruction or reflecting surface.

(5) A microphone windscreen shall be required to avoid wind noise biasing of a measurement.

(6) All manufacturer's directions on the operation of the sound level meter shall be followed (e.g., proper microphone angle).

(7) All sound level meters used for measurement shall be in conformance with ANSI section 1.4-1983.

(8) All octave and third octave band filter sets of the sound level meter shall be in conformance with ANSI section 1.11-1976.

(9) Calibration of all instruments, components, and attachments shall conform to the latest ANSI standards and manufacturer's directions and specifications.

(10) Instrumentation for sound level measurements may be class 1 or class 2 (ANSI section 1.4-1971).

(c) *Maximum permissible sound levels; land use categories, times; and adjustment for character of sound.*

(1) Subject to subsections (2) and (3) below, at no time shall the predicted or actual sound pressure levels emitted by the proposed conditional use exceed the sound pressure levels specified in the table below at the closest property line of the below specified uses. If a use is located within a strip center, the noise level will be monitored from the outside wall of the use.

Table 1

Maximum Permissible Time Averaged (Leq)

A-Weighted Sound Pressure Limits for Receiving Uses

Type of Use	Time Period	Maximum Allowable Sound Pressure Level
Residential	7:00 a.m. to 10:00 p.m.	60 dB(A)
	10:00 p.m. to 7:00 a.m.	55 dB(A)
Commercial	7:00 a.m. to 10:00 p.m.	65 dB(A)
	10:00 p.m. to 7:00 a.m.	55 dB(A)
Industrial	7:00 a.m. to 10:00 p.m.	75 dB(A)
	10:00 p.m. to 7:00 a.m.	65 dB(A)

(2) For any source of sound that emits a continuous pure tone, the sound level limits set forth in Table 1 shall be reduced by five (5) dB (A-weighted).

(3) Impulsive sound shall not exceed the maximum sound levels contained in Table 1 during the hours of 7:00 AM to 10:00 PM. Impulsive sound is not permitted during the hours of 10:00 PM to 7:00 AM.

(d) *Prohibited acts.*

(1) Subject to the provisions of this section, no person shall produce, cause to be produced, or allow to be produced, by any means, any sound within any private or public property, including a right-of-way, which sound, when measured pursuant to this section, exceed the applicable sound level limits set forth in this section.

(2) Noises determined and enumerated as public nuisances under Part II Code of Ordinances Chapter 46, Article IV, Section 131.

(e) *Exemptions.* The provisions of section 62-2271 shall not apply to the following sounds or vibrations.

(1) Cries for emergency assistance and warning calls. Emergency signals during emergencies. Emergency testing between 7:00 AM and 7:00 PM.

(2) Radios, sirens, horns and bells on police, fire and other emergency response vehicles. Law enforcement activities including training.

(3) Parades, fireworks displays and other special events for which a permit has been obtained from the county, within such hours as may be imposed as a condition for the issuance of the permit.

(4) Activities on or in county and school athletic facilities and on or in publicly owner property and facilities, provided that such activities have been authorized by the owner of such property or facilities or its agent.

(5) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.

(6) Religious worship activities, including but not limited to bells and organs, as long as such noise, because of its volume level, duration and character does not annoy, disturb, injure or endanger the comfort, health, peace or safety of a reasonable person of ordinary sensibilities.

(7) Railway locomotives and other railroad equipment, aircraft and airport activity in accordance with federal laws and regulations.

(8) Motor vehicles operating on a public right-of-way subject to F.S. § 316.293 and applicable Federal criteria.

(9) The operation of lawn mowers, edgers, trimmers and power driven hedge shears, meeting applicable manufacturers' specifications as to sound, is allowed in a residential zone between the hours of 7:00 am and 8:00 p.m.

(10) Operation of water craft upon any watercourse, lake, river, or swamp in the unincorporated county. Such exception shall not apply to noise or sound prohibited under section 46-131(14), or to noise or sound generated by water craft impacting abutting land areas (unless located at or on a properly zoned marina, water craft repair shop or manufacturing facility).

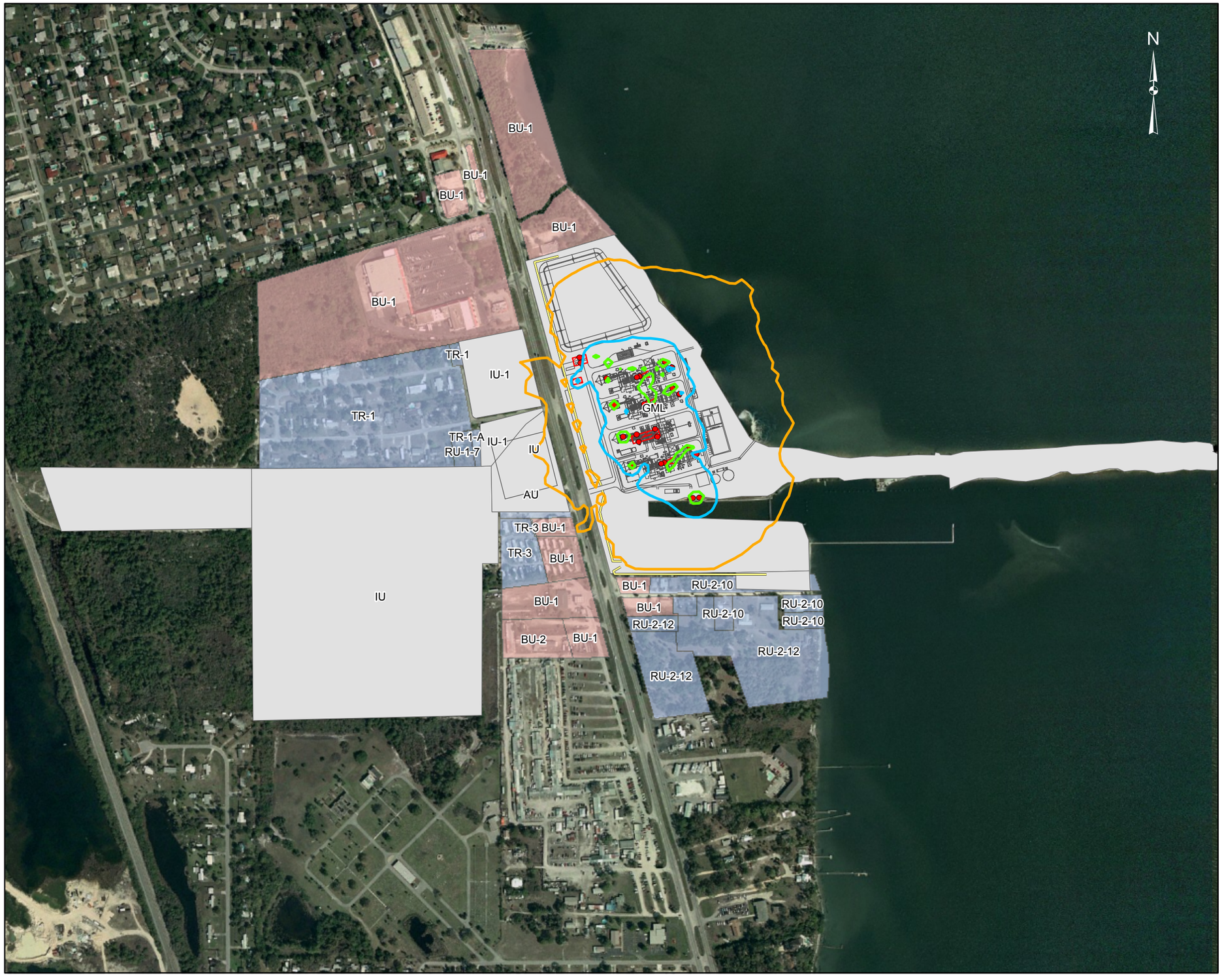
(11) Refuse collection vehicles not exceeding 86 dB (A-weighted).

(12) Construction activities for which the county has issued a development permit, as defined in F.S. § 163.3164, provided such activity occurs between 7:00 am and 10:00 pm.

(13) Air blasts as a result of mining activity as regulated by the State of Florida Fire Marshall.

(Ord. No. 2000-07, § 8, 1-25-00; Ord. No. 00-37, § 2, 8-1-00; Ord. No. 01-45, § 2, 9-4-01)

FPL Response: The proposed conditional use will comply with this performance standard. Golder Associates Inc. (Golder) performed additional computerized noise modeling analysis to determine the maximum predicted sound levels emitted by the proposed conditional use including the addition of natural gas compressor engines shown on the site plan (along the northwest boundary line; as identified in the September 23, 2008 modified conceptual site plan). The procedures and noise sources used in the updated noise modeling analysis were the same as the modeling analysis described in the August 26, 2008 Golder Associates' letter, with the exception that the sound power levels from three gas compressor engines were added to the noise sources from the combined cycle unit. The sound pressure levels predicted for the proposed conditional use using the computerized noise model, CadnaA, are shown in Figure 1. This figure shows the maximum predicted noise emitted from proposed conditional use for contours of 55, 65, 75 and 85 dBA without the addition of ambient noise. As shown in Figure 1, the noise contours with the addition of the gas compressor engines, only slightly change from the analysis described in the August 26, 2008 letter. Based on the results of the computerized noise modeling analysis, it is concluded that the maximum predicted sound levels emitted from the proposed conditional use do not exceed the maximum permissible sound levels in Section 62-2271 (c) of Brevard County's Land Development Regulations.



LEGEND

Predicted Noise Impact Contours

- > 55 dB
- > 65 dB
- > 75 dB
- > 85 dB
- Source Locations
- Wall
- FPL Property

Zoning

- Residential
- Commercial

REFERENCE

Based on conceptual design information.
Aerial Express, 2006; Brevard County Planning and Zoning Office GIS Dept.
Projection: Transverse Mercator Datum: NAD 83 Coordinate System: UTM Zone 17

500 0 500 Feet

PROJECT

FPL CAPE CANAVERAL ENERGY CENTER

TITLE

NOISE MODELING RESULTS

Golder Associates
Gainesville, Florida

PROJECT No. 083-87556			SCALE AS SHOWN	REV. 0
DESIGN	AB	23 Sep. 2008		
GIS	AB	23 Sep. 2008		
CHECK	GM	23 Sep. 2008		
REVIEW	KFK	23 Sep. 2008		

FIGURE 1

SYMBOL LEGEND (FPL)

BUILDINGS
ROADS
SIDEWALK
CULVERT, BRIDGE, & HEADWALL STRUCTURE
RAILROAD
WALLS
GUARDRAIL
STREAM OR SHORE LINE
LAKE OR POND
WOODED AREA
BRUSH AREA
FENCE

TANK
UTILITY POLE
LIGHT POLE
DOUBLE LIGHT POLE
TRAFFIC LIGHT POLE
TRANSMISSION POWER POLE
ANTENNEA
MANHOLE/ C.B. = CATCH BASIN
UTILITY OBJECT
FIRE HYDRANT (F.H.)
POST
SIGN
CURRENT LAND USE BOUNDARY
PAVEMENT
CONCRETE
WATER
GRASS
GRAVEL

100 0 100 200
Scale 1" = 100' (34 x 22 Sheet)
Scale 1" = 200' (17 x 11 Sheet)
FEET

PROPOSED SITE OUTFALL
PROPOSED STRUCTURE (DARKENED TYP)
INDIAN RIVER
EXISTING DISCHARGE STRUCTURE
PROPOSED ZONING (TYP)
PROPOSED ZONING BOUNDARY (TYP)
STACK (TYP)
HEAT RECOVERY (TYP)
GML
RETENTION AREA #4
RETENTION AREA #3
RETENTION AREA #2
WAREHOUSE
STEAM TURBINE
RAW WATER STORAGE TANK
DEMINERALIZED WATER STORAGE TANK
FLORIDA POWER & LIGHT CO
RU-2-10
JONES, E G 110
15' SIDE SETBACK
KOHN, BENJAMIN TRUSTEE 839
BROMWELL, MITCHELL H 110
COMPTON, TIMOTHY B 110
HANLEY, HARVEY H 110
SCHMALENBERGER, DAWN CRAIG 820
WALTER, DAVID H 110
WREN, LARRY 830
WREN, LARRY 110
DEBLASIO, PATRICK 820
WREN, LARRY 840
WHITE, EILEEN M 3300
WHITE, EILEEN M 1000
COTTRELL AVE
RU-2-12
BU-1
GML
PROPOSED SITE OUTFALL
EXISTING FUEL OIL STORAGE TANK TO REMAIN
RETENTION AREA #1
GAS TURBINE & GENERATOR (TYP)
GENERATOR SET-UP TRANSFORMER (TYP)
15' SIDE SETBACK
ITEM TO REMAIN (SHADED TYP)
INTAKE CANAL
EXISTING INTAKE STRUCTURE
PARKING
GAS COMPRESSION STATION
NATURAL GAS YARD
SWITCHYARD
MATHUR, RAMESHWAR N 1900
SOILEAU, JOHN L 110
25' FRONT SETBACK
NORTHBOUND
SOUTHBOUND
N. COCOA BLVD (U.S. HWY 1) (C.R. 5)
IU
AU
IU-1
TR-3
POINT OF INGRESS/EGRESS
PROPERTY BOUNDARY
FLORIDA POWER & LIGHT CO 9120
DDM OF BREVARD INC 1210
INDIAN RIVER MOBILE HOME 2892
RP & LM ENTERPRISES INC 1130
SWITCHYARD
FLORIDA POWER & LIGHT CO 9120
MEDAN INC 2110
PMAT MELBOURNE LLC 1600
NEWBERN FAST FOODS INC 2110
SATER, CRAIG A 1900
WEST AVE
DELIVERY AVE
CLEARVIEW DR.
SHAFFER,

ZONING CATAGORIES
AU..... AGRICULTURAL RESIDENTIAL
BU-1..... GENERAL RETAIL COMMERCIAL
IU-1..... HEAVY INDUSTRIAL
IU..... LIGHT INDUSTRIAL
RU-2-10... MEDIUM-DENSITY MULTI-FAMILY RESIDENTIAL
GML..... GOVERNMENT MANAGED LANDS

SYMBOL LEGEND (GOLDER)

PROPERTY BOUNDARY
CURRENT ZONING BOUNDARY
CURRENT ZONING CODE — IU
PROPOSED ZONING BOUNDARY
PROPOSED ZONING CODE — GML

REFERENCES
- SITE PLAN BASED ON PROPOSED FPL SITE PLAN (srwl00002s1.dwg) DATED 4/4/08
- BOUNDARY INFORMATION BASED ON BOUNDARY AND TOPOGRAPHIC SURVEY DATED 8/01/08 PERFORMED BY AVIROM & ASSOCIATES, INC.
- STORMWATER BASED ON BOYLE ENGINEERING CORP. POST DEVELOPMENT DETENTION AREA SITING EXHIBIT, DATED 9/3/08

REV	DATE	DES	REVISION DESCRIPTION	CADD	CHK	RVW
2	9/23/08		REVISED PER FPL	EKN	KJK	DMW
1	8/04/08		REVISED PER FPL	EKN	KJK	DMW

DRAWING USE
NOT FOR CONSTRUCTION

PROJECT
CAPE CANAVERAL ENERGY CENTER CONCEPTUAL SITE PLAN

TITLE
CONCEPTUAL SITE PLAN

DAVID M. WITTE
FL PE NO. 60962
GOLDER ASSOCIATES INC.
FL CA NO. 1670
5100 W. LEMON ST SUITE 114
TAMPA, FL 33609

Golder Associates
Tampa, Florida

PROJECT No. 083-89550			FILE No. 083-89550A004	
DESIGN	---	---	SCALE As Shown	REV. ---
CADD	EKN	7/10/08	SHEET 4	
CHECK	KJW	7/10/08		
REVIEW	DMW	7/10/08		

Drawing file: c:\83-89550\A004.dwg Sep 23, 2008 - 4:06pm

Commission District # 1 PSJ80901

REZONING REVIEW WORKSHEET

Applicant Name: FLORIDA POWER & LIGHT CO.

Request: IU, AU & RU-2-10 to GML(U), with CUP/Electric, Natural Gas, Water and Wastewater Utilities (Electric Utility)

Subject Property:

Legal Description: Section 19 Township 23 Range 36

Location: E side N. US 1, approx. 1.5 miles N of Camp Rd. (In the Port St. John area)

Acreage: 43.15

Consistency with Land Use Regulations

YES **Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255**

YES **Proposal can be considered under the Future Land Use Designation. Sec. 62-1255**

***** **Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)**

	CURRENT	PROPOSED
Zoning	IU, AU & RU-2-10	GML (U) With CUP
Potential*	Non conforming 1960's era oil fired power plant	Reconstruct natural gas fired power plant
Can be Considered under FLU MAP	NO PUBLIC FACILITIES	YES

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

New Trips from Existing Zoning	64
New Trips from Proposed Zoning	64
Segment Number	360P
Segment Name	US 1

Maximum Acceptable Volume (MAV)	42,800			Acceptable LOS	D
Current Volume	27,604	Current Volume / MAV	64.50%	Current LOS	C
Volume With Proposed Development	27,637	Volume / MAV with Proposal	64.57%	LOS With Proposal	C

Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

This request is for the GML zoning classification with the Utility (U) designation and a Conditional Use Permit (CUP) for an electric utility. The GML classification allows a variety of land uses for governmental purposes in this instance an electric utility plant. The utility designation includes electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission. The surrounding properties are zoned BU-1 to the north. BU-1, AU and RU-2-12 to the south. BU-1, IU-1 and AU to the west across Highway US 1. The BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling. The AU zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping. The RU-2-12 zoning classification is a 12 unit per acre multiple-family residential zoning classification. It permits multiple-family residential development or single-family residences at a density of up to 12 units per acre on 7,500 square foot lots. IU-1 is the heaviest industrial zoning classification in the Code. It permits heavy manufacturing, including outside activities such as livestock yards and commercial incinerators. The minimum lot size is 40,000 square feet with a minimum width and depth of 200 feet. This area of Port St. John is characterized by the Highway US 1 corridor and by a mixture of uses such as multi-family, industrial, and commercial. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

Environmental Constraints

***** Does the project appear to meet county use or density restrictions based upon:
***** Refer to NRMO's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Site mapped as wetlands on NWI – Hydric Soils Present – +/- 3.12 acres	**Coastal Protection**	NA
Aquifer Recharge Soils	Mapped – +/- 20%	**Surface Water Protection**	Class II Waters, with a 50' SWP setback from the safe upland line
Floodplains	Flood Zone AE, mapped +/- 10%	**Habitat for Protected Species**	Potential for Gopher Tortoises

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management Office (NRMO) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. The full text of NRMO's comments follow these staff comments.

Other Considerations: This request represents the applicant's desire to unify the zoning classification and obtain a Conditional Use Permit (CUP) for an electric utility for the purposes of converting the existing 1960s power generating plant to a modern, more efficient, lower emission next generation energy center using the latest combined cycle technology plant. This conversion will result in increased power generation without using additional land, water sources or transmission right of way. The plant will use at least 33 percent less fuel for an equivalent amount of energy production and capable of producing nearly 54 percent more power based on anticipated summer capacities. The modernized facility will reduce particulate emissions by approximately 88 percent.

This facility will be designed as a 3X1 combined cycle facility. This means that the facility will have three generating units that will consist of three advanced combustion turbines with each exhausting to a heat recovery steam generator. The heat recovery steam generator will use the waste heat energy from the combustion turbines to produce steam to be utilized in a new steam turbine generator. The conversion project will involve the dismantlement of the existing generation units; while leaving intact certain components such as the cooling water intake and discharge infrastructure, and then installing new combined cycle generation units. By using natural gas as a primary fuel and technology that is recognized by the Florida Department of Environmental Protection (FDEP) as Best Available Control Technology for controlling air emissions, the plant will minimize air emissions.

The conversion project will be contained to the area currently zoned IU and will not include permanent site modifications to the southern portion of the subject property. The anticipated in service date of the new facility is June 2013. The anticipated demolition and construction activities will require approximately 40 months. The uses that surround the property consist of multi-family, light and heavy industries, and commercial.

Historically the majority of the subject property was granted a Special Use Permit (SUP) for a power plant and administration buildings in August of 1962 and later rezoned to IU in February 1994. A smaller portion was rezoned to AU with a CUP for a power plant and substation in August of 1987 and remains a nonconforming use.

This request should be evaluated in the context of section **62-1926** governing electric utilities in the GML (U) zoning classification.

1. The utility must be either publicly owned or regulated by the Public Service Commission.

   The utility is regulated by the Public Service Commission.

2. The applicant shall provide data and analysis demonstrating that the facility will meet all applicable performance standards.

   The applicant has submitted a noise modeling analysis report to determine the maximum predicted sound levels emitted by the proposed project. The conclusion of the report demonstrates that the maximum predicted sound levels will not exceed the maximum permissible sound levels. In addition, the applicant has stated that the proposed project complies with the performance standards listed in Sections 62-2251 through 62-2272.

3. The board may require additional setbacks, buffers or other means to mitigate any potential adverse impacts and insure compatibility with the surrounding land uses according to the general standards of review.

   The applicant has submitted renderings and a conceptual site plan showing the improvements for the conversion of the plant are completely within the existing site utilizing the existing features.

4. Electric generation facilities shall also meet the following location standards:

Location	Maximum Generating Capacity	Maximum Trip Generation
Local Streets	2MW	20 trips/day
Collector Streets	10MW	100 trips/day
Arterial Streets	No Limit	No limit

The plant is located on Highway US 1, an arterial street.

Height Analysis

The existing Cape Canaveral Plant consists of two conventional dual-fuel fired steam boilers and steam turbine generators that burn No. 6 fuel oil and natural gas. These units have been in service since 1965 and 1969. Associated with these existing units are two 400 foot high stacks. As part of the plant conversion, these units will be removed including the stacks and replaced by three new electric power generating units that will use natural gas as a primary fuel with associated stacks that are half the height of the existing stacks at approximately 200 feet.

As specified in Section **62-1572(7)(d)**, any structure or building that exceeds 35 feet in height must comply with all conditions in Section **62-2101.5**, as stated:

(1) the ratio between the distance to the lot line of the adjacent parcel (regardless of zoning or use) and the height of the structure shall be at least 1.25:1, and;
(2) the ratio between the distance to the lot line of any residentially zoned parcel and the height of the structure shall be at least 2:1.

For GML(U) parcels, the height of a structure may exceed the height threshold under the following condition:

(a) If the height of the structure is mandated by a state or federal agency in order to satisfy an environmental regulations, then only that condition described in (2) above will apply.

According to the applicant, the stacks are required to disperse air emissions so that they meet the state of Florida ambient air quality standards (AAQS) and Prevention of Significant Deterioration (PSD) Increments. These requirements are implemented by the FDEP through the air permitting program. The height of the stack is governed by the FEDP Rule 62.210.550 F.A.C. that defines a "Good Engineering Practice (GEP)" stack height to be the greater of 213 feet **or** the height of a nearby structure plus the lesser dimension of the projected height or projected width. For wide nearby structures, the GEP stack height is typically 2.5 times the height of the nearby structure. The use of natural gas and the installation of air pollution control equipment will offset the need to have a stack in excess of 200 feet. Therefore, a stack height at a maximum of 200 feet will meet the AAQS and PSD increments. In addition, the designated stack height will allow for the installation of continuous emissions monitoring equipment that will be required to meet FDEP permit requirements in Rule 62-297.520.

Additionally, the distance between the surrounding parcel boundaries and the associated closest power generating stack have been identified by the applicant, as follows:

To the south, the RU-2-10 parcel is approximately 636 feet from the southernmost stack. Based on the 2:1 ratio, the estimated allowable height of the stack will be approximately 318 feet. The estimated distance is approximately 544 feet from the southernmost turbine structure. Based on the 2:1 ratio, the estimated allowable height of the turbine structure will be 272 feet.

To the north, the BU-1 parcel is approximately 758 feet from the northernmost stack. Based on the 2:1 ratio, the estimated allowable height of the stack will be approximately 379 feet. The estimated distance is approximately 738 feet from the northernmost turbine structure. Based on the 2:1 ratio, the estimated allowable height of the turbine structure will be 369 feet.

To the northwest, the BU-1 parcel is approximately 838 feet from the northernmost stack. Based on the 2:1 ratio, the estimated allowable height of the stack will be approximately 419 feet. The estimated distance is approximately 595 feet from the northernmost turbine structure. Based on the 2:1 ratio, the estimated allowable height of the turbine structure will be approximately 298 feet.

To the west, across Highway US 1, the BU-1, AU and TR-3 parcels developed with residential are estimated to be 740 feet from the central stack. Based on the 2:1 ratio, the estimated allowable height of the stack will be approximately 370 feet. The estimated distance is approximately 466 feet from the central turbine structure. Based on the 2:1 ratio, the estimated allowable height of the turbine structure will be approximately 233 feet.

CUP Analysis

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 11 – 15 of these comments. Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901. The applicant's responses are indicated in **bold** and staff observations are provided in *italics.*

Section 62-1901(c)(1)(a) Impact upon adjacent and nearby properties from the proposed use:
(1)Number of persons using property;
(2)Noise, odor, particulates, smoke, fumes and other emissions; and
(3)Increase in traffic within the vicinity.
The proposed conditional use will not cause a substantial or adverse impact on adjacent and nearby properties due to the facility operation, noise, emissions, or traffic generation. See attachment for more information.
(1)Staffing requirements are not anticipated to change. Approximately 27 employees will be onsite during a typical 7:00 a.m. to 3:30 p.m. workday (Monday through Friday), with approximately 10 employees onsite during the evening/night time shifts Monday through Friday and on the weekends. There are currently 135 parking spaces onsite and will remain the same for both permanent and temporary personnel and delivery services.(2) The applicant indicates that the conversion project is not anticipated to generate odor, glare, or smoke upon adjacent or nearby properties. The modernized facility will reduce particulate emissions by approximately 88 percent. (3)Impacts to area roadways and traffic patterns resulting from the plant conversion are anticipated to be minimal as staffing requirements are not anticipated to change.

Section 62-1901(c)(1)(b) Compatibility with the character of adjacent and nearby properties with regard to use:
Adjacent properties;
Operating hours;
Amount of traffic generated;
Building size and setbacks; and
Parking availability.
The proposed conditional use will be compatible with the existing character of the project site and will not result in adverse impacts upon adjacent and nearby properties. See attachment for more information.
The uses that surround the property consist of multi-family, light and heavy industry, and commercial. The applicant indicates that the plant will operate 24 hours a day/ 7 days a week, although the three electric generating units will operate based on service demand and may not require that all three units work simultaneously. Impacts to area roadways and traffic patterns resulting from the plant conversion are anticipated to be minimal as staffing practices are not anticipated to change. The applicant has provided a conceptual site plan showing compliance with GML setbacks. There are currently 135 parking spaces onsite and will remain the same for both permanent and temporary personnel and delivery services.

Section 62-1901(c)(1)(c) Impact upon property values of abutting residential properties:

The proposed conditional use will not cause a substantial diminishment of the value of abutting residential properties. See attachment for more information.
The applicant has submitted renderings of the proposed conversion. The conversion project will be contained to the currently zoned IU portion of the subject property and will improve the visual appearance of the facility, primarily through the reduced heights.

Section 62-1901(c)(2)(a) Adequacy of ingress and egress to serve the use without burdening adjacent and nearby uses:
The proposed conditional use will maintain the existing ingress and egress to the property and existing parking and security facilities. The property boundary will meet county requirements and will be adequate to serve the proposed conditional use without burdening the adjacent or nearby uses. See attachment for more information.
The applicant has submitted an existing conditions survey and a conceptual site plan depicting ingress and egress and parking.

Section 62-1901(c)(2)(b) Noise, glare, odor, particulates, smoke, fumes, etc.:
Emissions from the proposed conditional use will not substantially interfere with adjacent and nearby properties. See attachment for more information.
The applicant has submitted a noise modeling analysis report to determine the maximum predicted sound levels emitted by the proposed project. The conclusion of the report demonstrates that the maximum predicted sound levels will not exceed the maximum permissible sound levels. The applicant indicates that the conversion project is not anticipated to generate odor, glare, or smoke upon adjacent or nearby properties. The modernized facility will reduce particulate emissions by approximately 88 percent.

Section 62-1901(c)(2)(c) Actual Noise Levels:
The proposed conditional use will be contained to the existing property identified as the FPL Cape Canaveral plant site, which is property currently owned by FPL. The overall predicted sound pressure levels emitted from the proposed conditional use will not exceed the sound pressure levels being emitted from the existing use. See attachment for more information.
The applicant has submitted a noise modeling analysis report to determine the maximum predicted sound levels emitted by the proposed project. The conclusion of the report demonstrates that the maximum predicted sound levels will not exceed the maximum permissible sound levels.

Section 62-1901(c)(2)(d) Impact upon solid waste disposal level of service:
The proposed conditional use will continue to operate as under the existing solid waste practices and future amounts will comply with agreements made between FPL and the County. See attachment for more information.
The applicant indicates that miscellaneous solid waste (i.e. office) will be limited to municipal solid waste and infrequent replacement of inlet air filters. Solids from water pre-treatment process will continue to be generated and disposed of as under current practices. Due to the types of fuels used in the new plant, the existing practice of ash generation will no longer exist.

Section 62-1901(c)(2)(e) Impact upon potable water and waste water levels of service:
The potable water and wastewater practices will continue as under existing practices and future demand will comply with agreement made between FPL and the County. See attachment for more information.
The applicant indicates that based on preliminary design information, the design water use for the plant is anticipated to have a maximum water use of 1,000,000 gallons per day. When variations on load, outages and anticipated operating patterns are taken into account, the annual municipal water consumption by the facility is not anticipated to exceed the 2007 use of approximately 85 million gallons. Under its permit issued by the FDEP, water from the Indian River Lagoon is and will continue to be used for once-through cooling water.

Section 62-1901(c)(2)(f) Screening and buffering:

The proposed conditional use will utilize the existing screening/buffering at the site, which will reduce the potential impacts upon adjacent and nearby properties containing less intensive uses. See attachment for more information.

The applicant indicates that the aesthetics of the facility from adjacent and nearby properties will improve significantly, primarily through reduced stack height. The existing fencing, property lighting, gate access, signage and buffering will be maintained. The site is not open for pubic access or to provide public open space.

Section 62-1901(c)(2)(g) Signage and glare from lighting:

Signs and exterior lighting will remain, as under existing practices, and will not cause any unreasonable glare, or be hazardous to traffic, or interfere with the adjacent and nearby properties. See attachment for more information.

The applicant indicates that the exterior lighting, signage, and gate access will be maintained and that the existing facility does not reflect light outside of the property boundary onto adjacent properties and does not cause a glare or hazard to the adjacent roadway. Therefore the anticipated conversion will not cause an unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of the adjacent properties.

Section 62-1901(c)(2)(h) Hours of operation:

The proposed conditional use will maintain the hours of operation of the existing facility. As under current practices the facility will not be operated or utilized in a manner that will adversely impact the use/enjoyment of the nearby or adjacent properties. See attachment for more information.

The applicant indicates that the plant will operate 24 hours a day/ 7 days a week. Deliveries will be conducted during normal business hours and non-routine plant maintenance activities will occur based on operation needs and will be of short duration. As under current practices the facility will not be operated or utilized in a manner that will adversely impact the use or enjoyment of the adjacent properties.

Section 62-1901(c)(2)(I) Height of proposed use:

The proposed conditional use will reduce the existing stack height by approximately 200 feet. The construction of new stacks will not exceed 200 feet average development grade. The anticipated stack heights will be designed to meet the air quality standards as required by the state of Florida Department of Environmental Protection. See attachment for more information.

Associated with the existing dual-fuel fired steam boilers and steam turbine generators are two 400 foot high stacks. As part of the plant conversion, these stacks will be by replaced by stacks that are half the height of the existing stacks at approximately 200 feet.

Section 62-1901(c)(2)(J) Impact of off-street parking and loading areas upon adjacent properties:

The existing off-street parking and loading areas will be maintained and will continue to operate in a manner that will not adversely impact the use/employment of the nearby or adjacent properties. See attachment for more information.

The applicant has submitted an existing conditions survey and a conceptual site plan depicting ingress and egress and parking.

This property is located within the jurisdiction of the Port St. John Special District Board.

Summary: This request represents the applicant's desire to unify the zoning classification and obtain a Conditional Use Permit (CUP) for an electric utility for the purposes of converting the existing 1960s power generating plant to a modern, more efficient, lower emission next generation energy center using the latest combined cycle technology plant. The conversion project will be contained to the area currently zoned IU and will not include permanent site modifications to the southern portion of the subject property. The anticipated in service date of the

new facility is June 2013. The anticipated demolition and construction activities will require approximately 40 months. The uses that surround the property consist of multi-family, light and heavy industries, and commercial.

NATURAL RESOURCES MANAGEMENT OFFICE
Rezoning Review
SUMMARY

Item #: PSJ80901	**Owners: Florida Power & Light Co.**
Zoning Change: IU/AU/RU-2-10 to GML	**Applicant: Gray Robinson, P.A.**
P & Z Hearing Date: 09/10/2008	**BCC Hearing Date: 10/02/2008**

This is a preliminary review based on environmental maps available to the Natural Resources Management Office (NRMO) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the applicant and approved by the Board of County Commissioners. If the applicant has any questions regarding this information, he/she is encouraged to contact NRMO prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Wetlands Potential/Hydric Soils	Site mapped as wetlands on NWI –Hydric Soils Present – +/- 3.12 acres	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped – +/- 20%	Surface Waters	Class II Waters, with a 50' SWP setback from the safe upland line
Floodplains	Flood Zone AE, mapped +/- 10%	Wildlife	Potential for Gopher Tortoises

Comments:

This review relates to the following property: Twp. 23S, Rng. 36E, Sec. 19, S/D #01, Block n/a, Lot 1 and – S/D #02, n/a-2.02.

Wetlands are present on this property, based on documentation provided by the applicant, a review of the National Wetlands Inventory map, and the associated Brevard County Soil Survey map, indicating the presence of Basinger soils, evidence of hydric potential. According to the environmental report accompanying the rezoning package, references were made that certain wetlands would not require mitigation if impacted. There are developmental constraints for institutional, industrial, and/or commercial development within and around wetlands (Conservation Policy 5.2.E.2 and 3). Therefore, the applicant is encouraged to contact NRMO prior to submittal of any development or construction plans. Additionally, Brevard County wetland regulations provide for a no-net-lost of wetlands. Therefore, if wetlands are impacted, whether or not they are manmade, they require mitigation to meet FAC 62-245 or a minimum of 2:1. Additionally, the wetland lines delineated by the owners' environmental consultant require verification by either the St. Johns River Water Management District.

Aquifer Recharge soils are present, based on the associated mapped soils identified as Basinger, Canaveral, and Pomello sand. Basinger soils may indicate hydric or aquifer recharge potential, depending specific site conditions. Post-development recharge volumes must meet or exceed pre-development recharge volumes. The owners are hereby notified of the development and

impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Aquifer Recharge soils are present, based on the associated mapped soils identified as Basinger, Canaveral, and Pomello sand. Basinger soils may indicate hydric or aquifer recharge potential, depending specific site conditions. Post-development recharge volumes must meet or exceed pre-development recharge volumes. The owners are hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

The property is located along Class II Waters, specifically the Indian River Lagoon System. A fifty foot (50') shoreline protection buffer from the Safe Upland Line of the Indian River Lagoon System is required. There are restrictions on uses within the shoreline protection buffer (Conservation Policy 3.4). Development permitted within the shoreline protection buffer for Class II waters is limited to docks, fences, boat ramps, and pervious/elevated walkways for river access. Any clearing of vegetation within the buffer must have approval from the NRMO prior to initiating that activity.

Per F.I.R.M. Panel 260, portions of this property contain estuarine floodplains as identified by the Federal Emergency Management Agency and, therefore, may be subject to land use and development restrictions (Conservation Objective 4, its subsequent policies, and the Floodplain Ordinance). The applicant is encouraged to contact NRMO prior to any plan or permit submittal.

Information available to the NRMO indicates that State of Florida protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the property owners should obtain any necessary permits the Florida Fish and Wildlife Conservation Commission.

Mandatory preservation guidelines apply to a site rezoned as Government Managed Lands. Additionally, heritage/specimen trees must be preserved (Landscaping/Land Clearing/Tree Protection Ordinance) on parcels 1.25 acres or greater. No land clearing is allowed without specific authorization from this agency.

BREVARD COUNTY

RESOLUTION NO. Z-11450

RESOLUTION NO. Z-11450

On motion by Commissioner Colon, seconded by Commissioner Bolin, the following resolution was adopted by a unanimous vote:

WHEREAS, FLORIDA POWER & LIGHT CO.

has/have applied for a change of classification from IU (Light Industrial), AU (Agricultural Residential) & RU-2-10 (Medium-Density Multiple-Family Residential) to GML-U (Government Managed Lands – Utilities), with a Conditional Use Permit for Electric, Natural Gas, Water & Wastewater Utilities on property described as

SEE ATTACHED LEGAL DESCRIPTION

Section 19, **Township** 23 S, **Range** 36 E, and,

WHEREAS, a public hearing of the Port St. John Special Dependent District Advisory Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Planning and Zoning Board recommended that the application be approved and,

WHEREAS, the Board, after considering said application and the Port St. John Special Dependent District Advisory Board's recommendation and hearing all interested parties and after due and proper consideration having been given to the matter, find, that the application should be Approved, now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from IU (Light Industrial), AU (Agricultural Residential) & RU-2-10 (Medium-Density Multiple-Family Residential) to GML-U (Government Managed Lands – Utilities), with a Conditional Use Permit for Electric, Natural Gas, Water & Wastewater Utilities be APPROVED, and that the zoning classification relating to the above described property be changed to GML-U (Government Managed Lands – Utilities), and the Planning & Zoning Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of October 2, 2008.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

ATTEST:

by Truman Scarborough,
Chairperson
As Approved by the Board on October 2, 2008.

SCOTT ELLIS, CLERK

(SEAL)

(PSJ Hearing – September 10, 2008)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

DISTRICT 1. VI.B.6. (PSJ80901) – FLORIDA POWER & LIGHT, COMPANY – (Phillip Nohrr) – requests a change of classification from IU (Light Industrial), AU (Agricultural Residential), and RU-2-10 (Medium Density Multiple-Family Residential) to GML(U) (Government Managed Land – Utilities), and a Conditional Use Permit for Electric, Natural Gas, Water and Wastewater Utilities on property described as a portion of **Section 19, Township 23 South, Range 36 East**, described as follows: COMMENCING at the Southwest corner of the RE-SUBDIVISION OF ROSEVEAR TERRACE, Plat Book 8, Page 40b according to the Public Records of Brevard County, Florida; thence S89 deg. 47'27'E, 401.31 ft. to the westerly right-of-way line of U.S. Highway No. 1 (State Road No. 5); thence S14 deg. 53'20"E, along said westerly right-of-way line, 314.07 ft.; thence N75 deg. 06'40'E, 143.00 ft. to the easterly right-of-way line of U.S. Highway No. 1 (State Road No. 5) and the POINT OF BEGINNING; thence N14 deg. 53'20'W, along said westerly right-of-way line 1761.01 ft.; thence N74 deg. 48'10"E, 452.14 ft. to the Ordinary High Water Line of the Indian River; (the next 176 courses proceeding along said Ordinary High Water Line); thence S38 deg. 29'29"E, 98.21 ft.; thence S36 deg. 23'58"E, 124.94 ft.; thence S45 deg. 39'11"E, 95.24 ft.; thence S33 deg. 19'30"E, 104.09 ft.; thence S30 deg. 40'51E", 82.45 ft.; thence S41 deg. 17'05"E, 70.33 ft.; thence S38 deg. 55'09"E, 96.12 ft.; thence S50 deg. 26'25"E, 49.90 ft.; thence S46 deg. 00'30"E, 26.02 ft.; thence S28 deg. 55'23"E, 28.56 ft.; thence S05 deg. 10'25"E, 41.61 ft.; thence S31 deg. 03'38"E, 62.87 ft.; thence S30 deg. 54'39"E, 42.24 ft.; thence S31 deg. 28'52"E, 53.52 ft.; thence S31 deg. 31'55"E, 50.42 ft.; thence S30 deg. 51'10"E, 21.53 ft.; thence S32 deg. 32'55"E, 24.34 ft.; thence S31 deg. 41'26"E, 50.95 ft.; thence S31 deg. 39'49"E, 55.60 ft.; thence S31 deg. 14'52"E, 13.90 ft.; thence S31 deg. 32'06"E, 37.93 ft.; thence S31 deg. 03'03"E, 49.68 ft.; thence S30 deg. 36'10"E, 44.72 ft.; thence N52 deg. 23'52"E, 1.20 ft.; thence S48 deg. 20'57"E, 27.90 ft.; thence S35 deg. 12'29"W, 1.80 ft.; thence S66 deg. 11'51E", 31.20 ft.; thence S37 deg. 59'01"E, 19.34 ft.; thence S67 deg. 43'53"E, 28.31 ft.; thence S79 deg. 43'04"E, 55.27 ft.; thence S84 deg. 28'52"E, 56.13 ft.; thence S81 deg. 19'03E", 49.44 ft.; thence S83 deg. 53'23"E, 52.45 ft.; thence S79 deg. 16'44"E, 46.12 ft.; thence S78 deg. 14'16"E, 60.38 ft.; thence S81 deg. 04'29"E, 62.40 ft.; thence S85 deg. 19'43"E, 52.85 ft.; thence N89 deg. 05'19"E, 163.90 ft.; thence N89 deg. 13'22"E, 110.21 ft.; thence N89 deg. 22'24"E, 50.85 ft.; thence S89 deg. 03'48"E, 50.48 ft.; thence N81 deg. 01'52"E, 40.04 ft.; thence S87 deg. 22'00"E, 109.67 ft.; thence N82 deg. 07'27"E, 58.69 ft.; thence N87 deg. 29'40"E, 53.08 ft.; thence N82 deg. 16'19"E, 61.08 ft.; thence S87 deg. 09'16"E, 111.65 ft.; thence N81 deg. 31'06"E, 50.32 ft.; thence S83 deg. 26'17"E, 48.14 ft.; thence N88 deg. 28'43"E, 35.82 ft.; thence S89 deg. 36'28"E, 64.95 ft.; thence S89 deg. 47'43"E, 92.54 ft.; thence S88 deg. 00'04"E, 58.02 ft.; thence N85 deg. 21'47"E, 53.49 ft.; thence N78 deg. 33'49"E, 54.42 ft.; thence S86 deg. 06'38"E, 46.03 ft.; thence N89 deg. 04'29"E, 57.86 ft.; thence S88 deg. 16'08"E, 41.48 ft.; thence S85 deg. 38'13"E, 59.82 ft.; thence S87 deg. 13'39"E, 39.85 ft.; thence N86 deg. 51'41"E, 43.70 ft.; thence N86 deg. 23'12"E, 70.09 ft.; thence S80 deg. 21'26"E, 40.42 ft.; thence S88 deg. 57'04"E, 61.04 ft.; thence N86 deg. 45'45"E, 57.70 ft.; thence N85 deg. 45'54"E, 51.10 ft.; thence N89 deg. 02'51"E, 55.96 ft.; thence N85 deg. 13'57"E, 54.54 ft.; thence S76 deg. 00'09"E, 19.78 ft.; thence S83 deg. 23'43"E, 20.31 ft.; thence S39 deg. 08'49"E, 22.43 ft.; thence S72 deg. 39'54"E, 18.72 ft.; thence S42 deg. 51'23"E, 18.97 ft.; thence S27 deg. 38'51"W, 25.55 ft.; thence S52 deg. 25'12"W, 17.91 ft.; thence N88 deg. 20'29"W, 76.15 ft.; thence S84 deg. 39'28"W, 38.95 ft.; thence N88 deg. 32'42"W, 49.33 ft.; thence S82 deg. 43'06"W, 59.64 ft.; thence S77 deg. 07'52"W, 54.91 ft.; thence S88 deg. 53'09"W, 54.40 ft.; thence N80 deg. 30'49"W, 55.78 ft.; thence N83 deg. 01'58"W, 51.39 ft.; thence S84 deg. 54'13"W, 48.47 ft.; thence N78 deg. 04'10"W, 31.52 ft.; thence N87 deg. 44'28"W, 18.00 ft.; thence S88 deg. 51'22"W, 55.71 ft.; thence S81 deg. 50'12"W, 40.69 ft.; thence S80 deg. 34'20"W, 54.93 ft.; thence S79 deg. 55'08"W, 52.41 ft.; thence S83 deg. 13'24"W, 17.16 ft.; thence N58 deg. 07'20"W, 24.76 ft.; thence N79 deg. 22'48"W, 13.72 ft.; thence S81 deg. 05'52"W, 55.20 ft.; thence S72 deg. 58'47"W, 44.20 ft.; thence S65 deg. 04'09"W, 20.76 ft.; thence S76 deg. 23'17"W, 55.28 ft.; thence S66 deg. 03'38"W, 38.07 ft.; thence N81 deg. 25'43"W, 53.18 ft.; thence N81 deg. 13'33"W, 43.92 ft.; thence N84 deg. 24'34"W, 94.90 ft.; thence N69 deg. 24'18"W, 27.86 ft.; thence S77 deg. 34'39"W, 51.08 ft.; thence S84 deg. 05'40"W, 53.40 ft.; thence S70 deg. 40'21"W, 49.69 ft.; thence S62 deg. 21'00"W, 70.31 ft.; thence S0l deg. 35'50"E, 13.75 ft.; thence S88 deg. 24'10"W, 2.50 ft.; thence N01 deg. 35'50"W, 79.14 ft.; thence N78 deg. 06'54"W, 92.60 ft.; thence S82 deg. 02'31"W, 54.39 ft.; thence S80 deg. 47'08"W, 44.95 ft.; thence S76 deg. 23'04"W, 75.97 ft.; thence S72 deg. 42'52"W, 65.89 ft.; thence S51 deg. 25'25"W, 40.54 ft.; thence S00 deg. 39'45"E, 28.92 ft.; thence S89 deg. 08'12"W, 43.51 ft.; thence N00 deg. 55'40"W, 60.30 ft.; thence N66 deg. 03'09"W, 8.86 ft.; thence N84 deg. 07'49"W, 20.40 ft.; thence N87 deg. 33'01"W, 27.93 ft.; thence S89 deg. 59'16"W, 33.38 ft.; thence S89 deg. 08'33"W, 49.70 ft.; thence S88 deg. 32'59"W, 47.17 ft.; thence N85 deg. 51'37"W, 57.56 ft.; thence S79 deg. 44'00"W, 46.86 ft.; thence S68 deg. 12'45"W, 20.89 ft.; thence N76 deg. 43'25"W, 14.47 ft.; thence S84 deg. 48'07"W, 74.09 ft.; thence S81 deg. 14'09"W, 62.61 ft.; thence S70 deg. 47'20"W, 22.81 ft.; thence S57 deg. 34'2l"W, 39.16 ft.; thence S41 deg. 15'23"W, 20.86 ft.; thence S59 deg. 09'07"W, 23.54 ft.; thence S73 deg. 29'09"W, 19.45 ft.; thence S03 deg. 23'27"E, 4.59 ft.; thence S00 deg. 43'10"W, 16.29 ft.; thence S88 deg. 01'21"W, 10.14 ft.; thence S84 deg. 44'09"W, 8.45 ft.; thence S79 deg. 56'08"W, 7.66 ft.; thence S87 deg. 55'20"W, 21.96 ft.; thence S87 deg. 33'42"W, 53.44 ft.; thence S87 deg. 41'50"W, 54.07 ft.; thence S87 deg. 39'31"W, 49.53 ft.; thence S88 deg. 01'00"W, 29.93 ft.; thence S89 deg. 49'25"W, 28.56 ft.; thence S87 deg. 32'13"W, 52.08 ft.; thence S88 deg. 18'08"W, 44.88 ft.; thence N30 deg. 13'55"W, 4.99 ft.; thence S88 deg. 30'08"W, 86.04 ft.; thence S89 deg. 22'13"W, 114.24 ft.; thence S89 deg. 27'32"W, 34.29 ft.; thence S89 deg. 02'37"W, 31.76 ft.; thence N06 deg. 26'05"W, 2.94 ft.; thence S88 deg. 22'27"W, 38.27 ft.; thence S07 deg. 01'30"W, 84.79 ft.; thence S87 deg. 55'03"E, 149.52 ft.; thence N42 deg. 27'45"E, 10.24 ft.; thence S88 deg. 39'41"E, 70.63 ft.; thence S41 deg. 32'32"E, 11.43 ft.; thence S87 deg. 16'05"E, 271.15 ft.; thence N89 deg. 11'39"E, 107.81 ft.; thence S88 deg. 19'22"E, 115.65 ft.; thence S84 deg. 06'40"E, 68.19 ft.; thence S81 deg. 49'24"E, 30.74 ft.; thence S20 deg. 00'42"E, 24.19 ft.; thence S20 deg. 23'16"E, 40.08 ft.; thence S20 deg. 13'11"E, 39.25 ft.; thence S32 deg. 42'43"E, 12.67 ft.; thence S00 deg. 28'30"W, 48.49 ft.; thence S01 deg. 10'25", 51.08 ft.; thence S00 deg. 20'25"E, 36.51 ft.; thence S00 deg. 12'23"W, 15.94 ft.; thence S01 deg. 09'55"W, 34.46 ft.; thence S00 deg. 03'03"E, 32.21 ft.; thence S16 deg. 17'55"E, 44.87 ft.; thence N89 deg. 47'29"W, (departing said Ordinary High Water Line), 374.27 ft.; thence N00 deg. 12'31"E, 90.00 ft.; thence N89 deg. 48'30"W, 695.55 ft. to the Point of Beginning. Said lands lying and situate in Brevard County, Florida, containing 1,735,770.67 square ft. (39.848 acres) more or less. Located on the east side of N. Hwy. 1, approx. 1.5 mile north of Camp Rd.

APPENDIX 10.4

ENVIRONMENTAL RESOURCE PERMIT

NOTE: This appendix presents as part of a Site Certification Application (SCA) the substantive requirements related to an ERP for CCEC. Although no additional dredge/fill impacts to jurisdictional wetlands will occur as a result of construction and operation of the CCEC, the Project involves several components related to the requirements of an ERP. These components are the continuation of a submerged land lease for an existing barge slip, submerged land lease for previously submerged land that was filled in the 1960s, maintenance dredging of the existing facilities, stormwater design for CCEC, and minor impacts to stormwater ditches.

The Site currently has a lease from the Board of Trustees of the Internal Improvement Trust Fund for a 1.47-acre area used for mooring of barges and tugs/vessels. This lease is Sovereignty Submerged Lands Lease No. 050024374. The Project will require the continuation of this lease to allow shipments of ultra low sulfur light oil to be offloaded to an existing tank that will be converted for this fuel. A copy of the current lease is included in Appendix 10.11. A perpetual lease is requested as a condition of certification.

In the 1960s, a peninsula was created on submerged land using material generated from dredging the barge channel and intake. This peninsula serves to divide the cooling system intake and discharge. FPL requests a perpetual easement to maintain this peninsula. FPL's ownership documents for the Cape Canaveral Plant are an attachment to the ERP forms.

The Project may require maintenance dredging of the barge canal and intake canal areas. This activity has been authorized for the Cape Canaveral Plant by FDEP as a Wetland Resource Exemption (File No. 05-275958-4 dated August 24, 1995). A copy of this authorization is included in this appendix.

To meet as part of this Site Certification Application the substantive requirements of Chapters 62-330 and 62-25 F.A.C., a stormwater management plan has been developed to address these ERP requirements. The stormwater management plan is included as part of this appendix. The design stormwater management system is based on the criteria set forth in the St. Johns River Water Management District Regulation of Stormwater Management Systems and Management of Storage of Surface Waters.

The construction of the CCEC on the Site will not impact any jurisdictional wetlands. Two small man-made depressional areas totaling 0.21 acre occur on the Site. One is within the bermed containment area of the existing oil storage tanks and one is within the stormwater retention pond present on the west side of the Site. Although these areas meet the criteria for a wetland (hydric soils, hydrophytic vegetation, hydrology), according to Chapter 62-340, Section 62-340.700, F.A.C., they do not require compensatory mitigation if impacted, since they are part of a previously permitted spill containment system or stormwater management system and are less than 0.5 acre in combined area. The Project's stormwater management system will include depressional areas and retention ponds which will provide similar habitat during operation.

FORM NO. 62-343.800(1)

JOINT APPLICATION FOR ENVIRONMENTAL RESOURCE PERMIT

FORM#: 62-343.900(1)
FORM TITLE: JOINT ENVIRONMENTAL
RESOURCE PERMIT APPLICATION
DATE: October 3, 1995

JOINT APPLICATION FOR ENVIRONMENTAL RESOURCE PERMIT/

AUTHORIZATION TO USE SOVEREIGN SUBMERGED LANDS/

FEDERAL DREDGE AND FILL PERMIT

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION/
WATER MANAGEMENT DISTRICTS/
U.S. ARMY CORPS OF ENGINEERS

INSTRUCTIONS FOR JOINT APPLICATION FOR ENVIRONMENTAL RESOURCE PERMIT/AUTHORIZATION TO USE STATE OWNED SUBMERGED LANDS/FEDERAL DREDGE AND FILL PERMIT

INTRODUCTION

Attached is a joint application for:

1) activities regulated under Part IV of Chapter 373, F.S.;
2) activities which require authorization to use state owned submerged lands; and
3) activities which require federal dredge and fill permit.

Certain activities may qualify for an exemption. If an activity qualifies for an exemption, an application is not required, although the use of this application form is the most expeditious way for the agencies to make the determination that the activity qualifies for an exemption. Attachment 2 lists various regulated activities and the type of permit required for each activity. If you have any questions, please contact the staff of the nearest office of either the Florida Department of Environmental Protection (DEP) or a Water Management District (WMD).

PROCESSING AGENCY/DISTRICT SERVICE CENTERS

The Department of Environmental Protection ("Department" or "DEP") regulates some types of activities, and the Water Management Districts ("WMDs") regulate others. Attachment 1, DEP/WMD Permitting Responsibilities, specifies which activities are regulated by each agency. Environmental Resource Permit Applications shall be made to the appropriate District/Department office serving the area in which the activity is proposed. Attachment 4 designates the appropriate agency office for each geographic area.

COPIES/APPLICATION FEES

Submit an original signed application form plus **four** copies of the form, and **five** complete sets of all the requested drawings and other information to the appropriate DEP or WMD office. Submit the appropriate fee with your application. Application fees are listed in Attachment 3.

DISTRIBUTION TO U.S. ARMY CORPS OF ENGINEERS

When activities are proposed in, on or over wetlands or other surface waters, a portion of the application (Section A and Section C, with the associated drawings) will be forwarded to the Army Corps of Engineers (ACOE) by the reviewing agency. The ACOE will advise you of any additional information that may be required to complete your federal dredge and fill permit application. It is not necessary for the applicant to submit a separate application to the ACOE. The information requested in this application form may be more than required to make a complete application to the ACOE. However, it is useful and may be essential for subsequent evaluation. Reducing unnecessary paperwork and delays is a continuing goal of the ACOE.

DISTRIBUTION TO THE DEP FOR STATE LAND APPROVAL

If the applicant checks the box to request authorization to use sovereign submerged lands, the Department will begin processing the request for sovereign submerged lands approval. Additionally, if at any time during the processing of the application, it appears that the proposed activities may take place on sovereign submerged lands, the Department will initiate a review for the authorization to use such lands. For an explanation of sovereign submerged lands approval see Attachment 5.

NOTE: The information listed in Sections B, D, E, and F of this application package is not intended to be all-inclusive. Additional information may be requested by the reviewing agency in order to complete your application.

TABLE OF CONTENTS
FOR ERP APPLICATION FORM PACKAGE

HEADING:	SUBJECT:
Section A	Basic application form
Section B	Information for noticed general environmental resource permits
Section C	Notice of receipt of application
Section D	Information required for standard general and individual environmental resource permit applications related to a single family dwelling unit
Section E	Information requested for standard general, individual and conceptual environmental resource permit applications not related to a single family dwelling unit
Table 1	Project impact summary
Table 2	On-site mitigation summary
Table 3	Off-site mitigation summary
Table 4	Docking facility summary
Table 5	Shoreline stabilization summary
Section F	Information for mitigation banks
Section G	Application for authorization to use sovereign submerged lands
Attachment 1	DEP and WMD permitting responsibilities
Attachment 2	Summary of activities typically authorized by each permit type
Attachment 3	Permit application processing fees
Attachment 4	Mailing instructions for submitting ERP applications to DEP, with map showing the DEP district boundaries and addresses
Attachment 5	Proprietary verses regulatory authorization

"What Sections of the Application Must I Fill Out?"

Section:	Noticed General Permits	Individual Permits		
		Single-Family Residences	Others	Mitigation Banks
Section A	Yes	Yes	Yes	Yes
Section B	Yes			
Section C		Yes	Yes	Yes
Section D		Yes		
Section E			Yes	
Section F				Yes
Section G	As Needed	As Needed	As Needed	As Needed

SECTION A

FOR AGENCY USE ONLY	
ACOE Application #	DEP/WMD Application #
Date Application Received	Date Application Received
Proposed Project Lat.	Fee Received $
Proposed Project Long.	Fee Receipt #

PART 1:

Are any of the activities described in this application proposed to occur in, on, or over wetlands or other surface waters?
☒ yes ☐ no

Is this application being filed by or on behalf of a government entity or drainage district? ☐yes ☒no

PART 2:

A. Type of Environmental Resource Permit Requested (check at least one). See Attachment 2 for thresholds and descriptions.

- ☐ Noticed General - include information requested in Section B.
- ☐ Standard General (Single Family Dwelling) - include information requested in Sections C and D.
- ☐ Standard General (all other Standard General projects) - include information requested in Sections C and E.
- ☐ Individual (Single Family Dwelling) - include information requested in Sections C and D.
- ☒ Individual (all other Individual projects) - include information requested in Sections C and E.
- ☐ Conceptual - include information requested in Sections C and E.
- ☐ Mitigation Bank Permit (construction) - include information requested in Sections C and F. (If the proposed mitigation bank involves the construction of a surface water management system requiring another permit defined above, check the appropriate box and submit the information requested by the applicable section.)
- ☐ Mitigation Bank (conceptual) - include information requested in Sections C and F.

B. Type of activity for which you are applying (check at least one)

- ☒ Construction or operation of a new system, other than a solid waste facility, including dredging or filling in, on or over wetlands and other surface waters.
- ☐ Construction, expansion or modification of a solid waste facility.
- ☐ Alteration or operation of an existing system which was not previously permitted by a WMD or DEP.
- ☐ Modification of a system previously permitted by a WMD or DEP.

Provide previous permit numbers:___

- ☐ Alteration of a system
- ☐ Abandonment of a system
- ☐ Removal of a system
- ☐ Extension of permit duration
- ☐ Construction of additional phases of a system

C. Are you requesting authorization to use Sovereign Submerged Lands?
☒yes ☐no
(See Section G and Attachment 5 for more information before answering this question.)

D. For activities in, on,or over wetlands or other surface waters, check type of federal dredge and fill permit requested:
☐Individual ☐Programmatic General ☐General
☐Nationwide ☒Not Applicable

E. Are you claiming to qualify for an exemption? ☐yes ☒no
If yes, provide rule number if known. ___

PART 3: **A. OWNER(S) OF LAND**	**B. ENTITY TO RECEIVE PERMIT (IF OTHER THAN OWNER)**
Name Florida Power & Light Company	Name Florida Power & Light Company
Title and Company	Title and Company
Address 700 Universe Blvd.	Address 700 Universe Blvd.
City, State, Zip Juno Beach, FL 33408	City, State, Zip Juno Beach, FL 33408
Telephone and Fax	Telephone and Fax
C. AGENT AUTHORIZED TO SECURE PERMIT	**D. CONSULTANT (IF DIFFERENT FROM AGENT)**
Name Barbara Linkiewicz	Name
Title and Company Director of Environmental Licensing	Title and Company
Address 700 Universe Blvd.	Address
City, State, Zip Juno Beach, FL 33408	City, State, Zip
Telephone and Fax (561_ 691-7518; (561) 691-7049	Telephone and Fax

PART 4: (Please provide metric equivalent for federally funded projects): (see Part 6)

A. Name of Project, including phase if applicable: Cape Canaveral Energy Center

B. Is this application for part of a multi-phase project?
☐yes ☒no

C. Total applicant-owned area contiguous to the project?
~41 ac.; ___ ha. See Stormwater Management Plan

D. Total area served by the system: ~23 ac.; ___ ha. See Stormwater Management Plan

E. Impervious area for which a permit is sought: 6 ac.; ___ ha. See Stormwater Management Plan

F. Volume of water that the system is capable of impounding:
19.11 ac. ft.; ___ m See Stormwater Management Plan

G. What is the total area of work in, on, or over wetlands or other surface waters?
0.2 ac.; ___ ha. ___ sq. ft.; ___ sq. m.

H. Total volume of material to be dredged: 0 yd; ___ m

I. Number of new boat slips proposed: 0 wet slips; ___ dry slips

PART 5:

Project location (use additional sheets if needed): See SCA Section 3.1.
County(ies)Brevard

Section(s) 19	Township 23	Range 36
Section(s)	Township	Range
Section(s)	Township	Range

Land Grant name, if applicable:

Tax Parcel Identification Number: 23-36-19-00-00750.0-0000.0

Street AddressRoador other location:6000 North U.S. Highway 1

City, Zip Code, if applicable: Cocoa, FL 32927

PART 6: Describe in general terms the proposed project, system, or activity.

This application form is being included as part of a Site Certification Application (SCA) as a means to present ERP information. The CCEC Project involves three components related to the ERP requirements. These components are the stormwater design for CCEC, submerged land lease for an existing barge slip and previous submerged land that was filled prior to the ERP requirements. The stormwater management plan is attached to this appendix and addresses the stormwater requirements of Section E. FPL maintains a sovereignty submerged lands lease with the State of Florida Board of Trustees of the Internal Improvement Trust Fund associated with the existing Cape Canaveral Plant. The lease is for the operation of an existing slip docking/unloading facility exclusively used for mooring of barges and tug vessels in conjunction with an upland fuel oil tank farm/power plant. The sovereign submerged land, of approximately 1.5 acres, is located south and adjacent to the peninsula (see Appendix 10.11 for a copy of the lease and a lease location map). By this SCA, FPL seeks a sovereignty submerged lands lease as a condition of certification. This parcel is shown in SCA Figure 3.1.0-3. In the 1960s, a peninsula was created on submerged land using material generated from dredging the barge channel and intake. This peninsula serves to divide the cooling system intake and discharge. FPL requests a perpetual easement to maintain this peninsula. FPL's ownership documents for the Canaveral Plant are an attachment to the ERP forms.

PART 7:

A. If there have been any pre-application meetings, including on-site meetings, with regulatory staff, please list the date(s), location(s), and names of key staff and project representatives.

___

B. Please identify by number any MSSW/Wetland Resource/ERP/ACOE Permits pending, issued or denied for projects at the location, and any related enforcement actions.

Agency	Date	No.\Type of Application	Action Taken
___	___	___	___
___	___	___	___
___	___	___	___

C. Note: The following information is required for projects proposed to occur in, on or over wetlands that need a federal dredge and fill permit or an authorization to use state owned submerged lands. Please provide the names, addresses and zip codes of property owners whose property directly adjoins the project (excluding application) and/or (for proprietary authorizations) is located within a 500 ft. radius of the applicant's land. Please attach a plan view showing the owner's names and adjoining property lines. Attach additional sheets if necessary.

1. 2.

3. 4.

5. 6.

7. 8.

PART 8:

A. By signing this application form, I am applying, or I am applying on behalf of the applicant, for the permit and any proprietary authorizations identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application and represent that such information is true, complete and accurate. I understand this is an application and not a permit, and that work prior to approval is a violation. I understand that this application and any permit issued or proprietary authorization issued pursuant thereto, does not relive me of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of construction. I agree, or I agree on behalf of the applicant, to operate and maintain the permitted system unless the permitting agency authorizes transfer of the permit to a responsible operation entity. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Barbara Linkiewicz
Typed/Printed Name of Applicant (If no Agent is used) or Agent (If one is so authorized below)

_____ _____
Signature of Applicant/Agent Date
Director of Environmental Licensing
(Corporate Title if applicable)

AN AGENT MAY SIGN ABOVE ONLY IF THE APPLICANT COMPLETES THE FOLLOWING:

B. I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit and/or proprietary authorization indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirements which may be necessary to procure the permit or authorization indicated above. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Typed/Printed Name of Applicant	Signature of Applicant	Date

(Corporate Title if applicable)

Please note: The applicant's original signature (not a copy) is required above.

PERSON AUTHORIZING ACCESS TO THE PROPERTY MUST COMPLETE THE FOLLOWING:

C. I either own the property described in this application or I have legal authority to allow access to the property, and I consent, after receiving prior notification, to any site visit on the property by agents or personnel from the Department of Environmental Protection, the Water Management District and the U.S. Army Corps of Engineers necessary for the review and inspection of the proposed project specified in this application. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review and inspection. Further, I agree to provide entry to the project site for such agents or personnel to monitor permitted work if a permit is granted.

Typed/Printed Name of Applicant	Signature of Applicant	Date

(Corporate Title if applicable)

SECTION B

INFORMATION FOR NOTICED GENERAL ENVIRONMENTAL RESOURCE PERMITS

INSTRUCTIONS: To qualify for a Noticed General Permit (NGP) for specific activities, the project must strictly comply with all of the terms, conditions, requirements, limitations and restrictions applicable to the desired NGP. A summary of the types of NGP's available is contained in Attachment 2. Carefully review the rule section of the NGP for which you are applying to ensure that your project meets the requirements of that NGP. Please complete Section A and submit it along with the information required in this Section (on 81/2" x 11" paper).

1. Indicate the project boundaries on a USGS quad map, reduced or enlarged as necessary to legibly show the entire project. If not apparent from the quad map, provide a location map (in sufficient detail to allow a person unfamiliar with the site to find it), containing a north arrow and a graphic scale and showing the boundary of the proposed activity and Section(s), Township(s), and Range(s).

2. A legible site plan showing the following features:

a) property boundaries and dimensions
b) name and location of any adjoining public streets or roads
c) location and dimensions of all existing structures
d) label all impervious and pervious area and indicate their size (area)
e) the direction of drainage relative to the proposed improvements (using arrows)
f) locations of all proposed works
g) permanent and temporary erosion, sedimentation and turbidity controls
h) boundaries of wetlands and other surface waters, identifying open water areas
i) boundary area and volume of all temporary and permanent earthwork, including pre and post construction grades

3. Description of wetland or aquatic habitat .

4. Construction methods and schedule.

5. Additional information that would show that you qualify for the general permit, addressing all the parameters, thresholds and conditions required in the general permit. Errors and omissions will be identified within 30 days by the processing agency.

6. Provide the rule section number of the NGP for which you are applying.

7. The construction plans and supporting calculations must be signed, sealed, and dated by an appropriate registered professional as required by the relevant statutory provisions when the design of the system requires the services of an appropriate registered professional.

SECTION C

Environmental Resource Permit Notice of Receipt of Application

Note: this form does not need to be submitted for noticed general permits.
This information is required in addition to that required in other sections of the application. Please submit five copies of this notice of receipt of application and all attachments with the other required information. Please submit all information on 8 1/2" x 11" paper.

Project Name	Cape Canaveral Energy Center
County	Brevard
Owner	Florida Power & Light Company
Applicant:	
Applicant's Address:	700 Universe Blvd., Juno Beach, FL 33408

1. Indicate the project boundaries on a USGS quadrangle map. Attach a location map showing the boundary of the proposed activity. The map should also contain a north arrow and a graphic scale; show Section(s), Township(s), and Range(s); and must be of sufficient detail to allow a person unfamiliar with the site to find it.
See SCA Chapter 2, Figure 2.X USGS Map.

2. Provide the names of all wetlands, or other surface waters that would be dredged, filled, impounded, diverted, drained, or would receive discharge (either directly or indirectly), or would otherwise be impacted by the proposed activity, and specify if they are in an Outstanding Florida Water or Aquatic Preserve:
Indian River is adjacent to Project; no dredging proposed.

3. Attach a depiction (plan and section views), which clearly shows the works or other facilities proposed to be constructed. Use multiple sheets, if necessary. Use a scale sufficient to show the location and type of works.

4. Briefly describe the proposed project (such as "construct dock with boat shelter", "replace two existing culverts", "construct surface water management system to serve 150 acre residential development"):
Stormwater release to Indian River, maintain submerged land uses.

5. Specify the acreage of wetlands or other surface waters, if any, that are proposed to be filled, excavated, or otherwise disturbed or impacted by the proposed activity: Not Applicable.

filled ___ ac.; ___ excavated ac.;

other impacts ___ ac.

6. Provide a brief statement describing any proposed mitigation for impacts to wetlands and other surface waters (attach additional sheets if necessary):
Mitigation is not required. The Project will not require any impact to wetlands or surface waters.

FOR AGENCY USE ONLY

Application Name:
Application Number:
Office where the application can be inspected:

Note to Notice recipient: The information in this notice has been submitted by the applicant, and has not been verified by the agency. It may be incorrect, incomplete or may be subject to change.

SECTION D

INFORMATION REQUIRED FOR STANDARD GENERAL OR INDIVIDUAL
ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS RELATED
TO A SINGLE FAMILY DWELLING UNIT

Complete this Section only if your project does not qualify for an exemption or noticed general permit. The information requested below is only for projects related to an individual, single family dwelling unit, duplex, triplex, or quadruplex which is not part of a larger common plan of development proposed by the applicant. Please contact the local office of the DEP or WMD if you are unsure whether your project would fit this description.

PLEASE SUBMIT ALL INFORMATION ON 8 1/2" by 11" PAPER

A. SITE INFORMATION

1. Directions: Provide written directions to the property.

2. Specify how the location of the proposed work is marked on site: for example, the center line of the road is flagged, string running between stakes identifies bulkhead location, etc.

B. DRAWINGS

Drawings should be of sufficient detail to clearly show the existing physical conditions of the site, and the extent, type, and location of the proposed activities. The drawings should clearly show waters/wetlands to be impacted, either temporarily or permanently. Any water/wetland areas proposed to be created, enhanced, restored, preserved, or which will remain undisturbed should be clearly identified and labeled. The following drawings are required:

1. PLAN VIEW (TOP VIEW)

This shows the work as viewed from above. A survey of the project site is very useful as a starting point for preparing plan views of the project. Include the following:

a. Applicant name, property line, north arrow and graphic scale or dimensions of proposed work on each drawing sheet.

b. Representative land elevations (spot elevations or contour lines) referred to National Geodetic Vertical Datum (NGVD), as is used on the USGS contour maps.

c. The limits of wetlands and other surface waters and the limits of open water areas in the vicinity of the proposed work. Describe how the wetland limits were determined. If there has ever been a jurisdictional declaratory statement, a formal wetland determination, a formal determination, validated informal determination, or a revalidated jurisdictional determination, provide the identifying number.

d. All proposed work, including dredging, filling or structures. Where possible, differentiate between work in open water, marshes, swamps, or tidal flats and uplands.

e. Show selected water depths in and adjacent to the project site. For dock projects, show water depths at all mooring sites. These depths should be determined at approximate mean low water (MLW) or seasonal low water. Include the approximate tidal range (the difference between approximate mean high water (MHW) elevation and approximate MLW elevation) if the project is in a tidal waterbody.

f. Label all existing structures in wetlands or other surface waters at or adjacent to the proposed activity, such as docks, bulkheads, riprap, or buildings.

g. If dredging or dewatering is involved, show the location of proposed disposal or containment sites. Include any levees, control structures or other methods for retaining or detaining return water. Also include locations of discharge sites where appropriate. (Note that a consumptive or water use permit may be required for dewatering.)

h. For piling supported structures over wetlands or other surface waters, show the entire structure. Indicate the location of any aquatic vegetation in the vicinity of the proposed structure.

i. Show distance between the most waterward point of the proposed facility and the nearest edge of any navigation channel, where appropriate. If the project is on a waterway that has a federally maintained channel, a survey may be required to establish the distance from the waterward points of the structure to the near edge of the federal channel. Also indicate the width of the waterway.

j. Clearly show the locations of all corresponding cross-sectional or profile views on the plan view drawings.

2. CROSS-SECTIONAL AND PROFILE VIEWS

The cross-sectional view should show a "cut-away" end or middle view of the project, while the profile view should show a side view as if cut length-wise. All drawings should include:

a. Applicant name and graphic horizontal and vertical scales or dimensions of the proposed work on each drawing sheet.

b. Show approximate mean or seasonal (high and low) water line elevations referenced to NGVD.

C. PROJECT DETAILS

Provide a detailed description of the proposed project, including the following:

1. The type of activity that is proposed, how the activity will be conducted, construction techniques and sequencing, including equipment to be used, and methods for moving the equipment to and from the site. For projects that involve any dredging or excavation, describe the method of excavation, the type of material to be excavated, and the disposal location for the excavated material. State whether dredged material is to be placed (either temporarily or permanently) in a wetland or other surface water. Indicate the time period any temporary structures will be in place.

2. The acreage (or square footage) of excavation and fill and differentiate between temporary and permanent work.

3. Methods for controlling turbidity (muddy water caused by erosion or work in the water).

4. Methods for stabilizing any slopes that will be created or disturbed during construction, including times expected to elapse before stabilization is performed. Describe both temporary and permanent stabilization methods, such as staked hay bales, temporary grass seed, and permanent sod.

5. If pilings or a seawall are to be installed state whether pilings and seawall slabs are to be installed by jetting or driving.

6. For fill projects, describe the source and type of fill material to be used. For activities that involve the installation of riprap , describe the source, type and size of the rocks, concrete, or other material to be used for the riprap, and how these materials are to be placed. State whether the rocks will be underlain with filter cloth.

SECTION E

INFORMATION REQUESTED FOR STANDARD GENERAL, INDIVIDUAL AND CONCEPTUAL ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS NOT RELATED TO A SINGLE FAMILY DWELLING UNIT

Please provide the information requested below if the proposed project requires either a standard general, individual, or conceptual approval environmental resource permit and is not related to an individual, single family dwelling unit, duplex or quadruplex. The information listed below represents the level of information that is usually required to evaluate an application. The level of information required for a specific project will vary depending on the nature and location of the site and the activity proposed. Conceptual approvals generally do not require the same level of detail as a construction permit. However, providing a greater level of detail will reduce the need to submit additional information at a later date. If an item does not apply to your project, proceed to the next item. Please submit all information that is required by the Department on either 8 1/2 in. X 11 in. paper or 11 in. X 17 in. paper. Larger drawings may be submitted to supplement but not replace these smaller drawings.

I. Site Information

A. Provide a map(s) of the project area and vicinity delineating USDA/SCS soil types. See Stormwater Management Plan (SMP).

B. Provide recent aerials, legible for photo interpretation with a scale of 1" = 400 ft, or more detailed, with project boundaries delineated on the aerial. See SMP.

C. Identify the seasonal high water or mean high tide elevation and normal pool or mean low tide elevation for each on site wetland or surface water, including receiving waters into which runoff will be discharged. Include dates, datum, and methods used to determine these elevations. See SMP.

D. Identify the wet season high water tables at the locations representative of the entire project site. Include dates, datum, and methods used to determine these elevations. See SMP.

II. Environmental Considerations

A. Provide results of any wildlife surveys that have been conducted on the site, and provide any comments pertaining to the project from the Florida Game and Fresh Water Fish Commission and the U.S. Fish and Wildlife Service. See SCA Section 3.4.5 and 3.4.6.

B. Provide a description of how water quantity, quality, hydroperiod, and habitat will be maintained in on-site wetlands and other surface waters that will be preserved or will remain undisturbed. Not Applicable.

C. Provide a narrative description of any proposed mitigation plans, including purpose, maintenance, monitoring, and construction sequence and techniques, and estimated costs. Not Applicable.

D. Describe how boundaries of wetlands or other surface waters were determined. If there has ever been a jurisdictional declaratory statement, a formal wetland determination, a formal determination, a validated informal determination, or a revalidated jurisdictional determination, provide the identifying number. Not Applicable.

E. Impact Summary Tables: Not Applicable.

1. For all projects, complete Tables 1, 2 and 3 as applicable.

2. For docking facilities or other structures constructed over wetlands or other surface waters, provide the information requested in Table 4.

3. For shoreline stabilization projects, provide the information requested in Table 5.

III. Plans

Provide clear, detailed plans for the system including specifications, plan (overhead) views, cross sections (with the locations of the cross sections shown on the corresponding plan view), and profile (longitudinal) views of the proposed project. The plans must be signed and sealed by a an appropriate registered professional as required by law. Plans must include a scale and a north arrow. These plans should show the following:

A. Project area boundary and total land area, including distances and orientation from roads or other land marks; See SCA Section 3.1.

B. Existing land use and land cover (acreage and percentages), and on-site natural communities, including wetlands and other surface waters, aquatic communities, and uplands. Use the Florida Land Use Cover & Classification System (FLUCCS)(Level 3) for projects proposed in the South Florida Water Management District, the St. Johns River Water Management District, and the Suwannee River Water Management District and use the National Wetlands Inventory (NWI) for projects proposed in the Southwest Florida Water Management District. Also identify each community with a unique identification number which must be consistent in all exhibits. See SCA Section 3.3.5, Figure 3.3.5-1.

C. The existing topography extending at least 100 feet off the project area, and including adjacent wetlands and other surface waters. All topography shall include the location and a description of known benchmarks, referenced to NGVD. For systems waterward of the mean high water (MHW) or seasonal high water lines, show water depths, referenced to mean low water (MLW) in tidal areas or seasonal low water in non-tidal areas, and list the range between MHW and MLW. For docking facilities, indicate the distance to, location of, and depths of the nearest navigational channel and access routes to the channel. See SCA Section 3.1.

D. If the project is in the known flood plain of a stream or other water course, identify the following: 1) the flood plain boundary and approximate flooding elevations; and 2) the 100-year flood elevation and floodplain boundary of any lake, stream or other watercourse located on or adjacent to the site; See SCA Section 3.1.

E. The boundaries of wetlands and other surface waters within the project area. Distinguish those wetlands and other surface waters that have been delineated by any binding jurisdictional determination; N.A.

F. Proposed land use, land cover and natural communities (acreage and percentages), including wetlands and other surface waters, undisturbed uplands, aquatic communities, impervious surfaces, and water management areas. Use the same classification system and community identification number used in III (B) above. See SCA Chapter 4.0.

G. Proposed impacts to wetlands and other surface waters, and any proposed connections/outfalls to other surface waters or wetlands; Not Applicable.

H. Proposed buffer zones; N.A.

I. Pre- and post-development drainage patterns and basin boundaries showing the direction of flows, including any off-site runoff being routed through or around the system; and connections between wetlands and other surface waters; See Stormwater Management Plan (SMP).

J. Location of all water management areas with details of size, side slopes, and designed water depths; See SMP.

K. Location and details of all water control structures, control elevations, any seasonal water level regulation schedules; and the location and description of benchmarks (minimum of one benchmark per structure); See SMP.

L. Location, dimensions and elevations of all proposed structures, including docks, seawalls, utility lines, roads, and buildings; N.A.

M. Location, size, and design capacity of the internal water management facilities; See SMP.

N. Rights-of-way and easements for the system, including all on-site and off-site areas to be reserved for water management purposes, and rights-of-way and easements for the existing drainage system, if any; See SMP.

O. Receiving waters or surface water management systems into which runoff from the developed site will be discharged; Indian River.

P. Location and details of the erosion, sediment and turbidity control measures to be implemented during each phase of construction and all permanent control measures to be implemented in post-development conditions; See SCA Chapter 4; Section 4.8; and SMP.

Q. Location, grading, design water levels, and planting details of all mitigation areas; N.A.

R. Site grading details, including perimeter site grading; See SCA Section 4.8 and SMP.

S. Disposal site for any excavated material, including temporary and permanent disposal sites; N.A.

T. Dewatering plan details; See SCA Chapter 5.

U. For marina facilities, locations of any sewage pumpout facilities, fueling facilities, boat repair and maintenance facilities, and fish cleaning stations; N.A.

V. Location and description of any nearby existing offsite features which might be affected by the proposed construction or development such as stormwater management ponds, buildings or other structures, wetlands or other surface waters. N.A.

W. For phased projects, provide a master development plan. N.A.

IV. Construction Schedule and Techniques

Provide a construction schedule, and a description of construction techniques, sequencing and equipment. This information should specifically include the following:

A. Method for installing any pilings or seawall slabs; N.A.

B. Schedule of implementation of temporary or permanent erosion and turbidity control measures; See SCA Chapter 5.

C. For projects that involve dredging or excavation in wetlands or other surface waters, describe the method of excavation, and the type of material to be excavated; N.A.

D. For projects that involve fill in wetlands or other surface waters, describe the source and type of fill material to be used. For shoreline stabilization projects that involve the installation of riprap, state how these materials are to be placed, (i.e., individually or with heavy equipment) and whether the rocks will be underlain with filter cloth; N.A.

E. If dewatering is required, detail the dewatering proposal including the methods that are proposed to contain the discharge, methods of isolating dewatering areas, and indicate the period dewatering structures will be in place (Note: a consumptive use or water use permit may by required); See SCA Chapter 5.

F. Methods for transporting equipment and materials to and from the work site. If barges are required for access, provide the low water depths and draft of the fully loaded barge; See SCA Chapter 4.9.

G. Demolition plan for any existing structures to be removed; and See SCA Chapter 5.

H. Identify the schedule and party responsible for completing monitoring, record drawings, and as-built certifications for the project when completed. N.A.

V. Drainage Information (Refer to Stormwater Management Plan)

A. Provide pre-development and post-development drainage calculations, signed and sealed by an appropriate registered professional, as follows:

1. Runoff characteristics, including area, runoff curve number or runoff coefficient, and time of concentration for each drainage basin;

2. Water table elevations (normal and seasonal high) including aerial extent and magnitude of any proposed water table draw down;

3. Receiving water elevations (normal, wet season, design storm);

4. Design storms used including rainfall depth, duration, frequency, and distribution;

5. Runoff hydrograph(s) for each drainage basin, for all required design storm event(s);

6. Stage-storage computations for any area such as a reservoir, close basin, detention area, or channel, used in storage routing;

7. Stage-discharge computations for any storage areas at a selected control point, such as control structure or natural restriction;

8. Flood routings through on-site conveyance and storage areas;

9. Water surface profiles in the primary drainage system for each required design storm event(s);

10. Runoff peak rates and volumes discharged from the system for each required design storm event(s);

11. Tail water history and justification (time and elevation); and

12. Pump specifications and operating curves for range of possible operating conditions (if used in system).

B. Provide the results of any percolation tests, where appropriate, and soil borings that are representative of the actual site conditions;

C. Provide the acreage, and percentages of the total project, of the following:

1. Impervious surfaces, excluding wetlands;

2. Pervious surfaces (green areas, not including wetlands);

3. Lakes, canals, retention areas, other open water areas; and

4. Wetlands.

D. Provide an engineering analysis of floodplain storage and conveyance (if applicable), including:

1. Hydraulic calculations for all proposed traversing works;

2. Backwater water surface profiles showing upstream impact of traversing works;

3. Location and volume of encroachment within regulated floodplain(s); and

4. Plan for compensating floodplain storage, if necessary, and calculations required for determining minimum building and road flood elevations.

E. Provide an analysis of the water quality treatment system including:

1. A description of the proposed stormwater treatment methodology that addresses the type of treatment, pollution abatement volumes, and recovery analysis; and

2. Construction plans and calculations that address stage-storage and design elevations, which demonstrate compliance with the appropriate water quality treatment criteria.

F. Provide a description of the engineering methodology, assumptions and references for the parameters listed above, and a copy of all such computations, engineering plans, and specifications used to analyze the system. If a computer program is used for the analysis, provide the name of the program, a description of the program, input and output data, two diskette copies, if available, and justification for model selection.

VI. Operation and Maintenance and Legal Documentation

A. Describe the overall maintenance and operation schedule for the proposed system. See SMP.

B. Identify the entity that will be responsible for operating and maintaining the system in perpetuity if different than the permittee, a draft document enumerating the enforceable affirmative obligations on the entity to properly operate and maintain the system for its expected life, and documentation of the entity's financial responsibility for long-term maintenance. If the proposed operation and maintenance entity is not a property owner's association, provide proof of the existence of an entity, or the future acceptance of the system by an entity which will operate and maintain the system. If a property owner's association is the proposed operation and maintenance entity, provide copies of the articles of incorporation for the association and copies of the declaration, restrictive covenants, deed restrictions, or other operational documents that assign responsibility for the operation and maintenance of the system. Provide information ensuring the continued adequate access to the system for maintenance purposes. Before transfer of the system to the operating entity will be approved, the permittee must document that the transferee will be bound by all terms and conditions of the permit. N.A.

C. Provide copies of all proposed conservation easements, storm water management system easements, property owner's association documents, and plats for the property containing the proposed system. N.A.

D. Provide indication of how water and waste water service will be supplied. Letters of commitment from off-site suppliers must be included. See SCA Section 4.5.

E. Provide a copy of the boundary survey and/or legal description and acreage of the total land area of contiguous property owned/controlled by the applicant. See SCA Section 3.1.

VII. Water Use

A. Will the surface water system be used for water supply, including landscape irrigation, or recreation. See SCA Section 4.5.

B. If a Consumptive Use or Water Use permit has been issued for the project, state the permit number. See SCA Section 4.5, Appendix 10.6.

C. If no Consumptive Use or Water Use permit has been issued for the project, indicate if such a permit will be required and when the application for a permit will be submitted. N.A.

D. Indicate how any existing wells located within the project site will be utilized or abandoned. See SCA Section 4.5.

N.A.

TABLE 1
Project Impact Summary

WL & SW ID	WL & SW TYPE	WL & SW SIZE (ac.) ON SITE	WL & SW ACRES NOT IMPACTED	PERMANENT IMPACTS TO WL & SW		TEMPORARY IMPACTS TO WL & SW		MITIGATION ID
				IMPACT SIZE (acres)	IMPACT CODE	IMPACT SIZE (acres)	IMPACT CODE	

WL = Wetland; **SW** = Surface water; **ID** = Identification number, letter, etc.
Wetland Type: Use an established wetland classification system and, in the comments section below, indicate which classification system is being used.
Impact Code (Type): D = dredge; F = fill; H = change hydrology; S = shading; C = clearing; O = other. Indicate the final impact if more than one impact type is proposed in a given area. For example, show F only for an area that will first be demucked and then backfilled.

Note: Multiple entries per cell are not allowed, except in the "Mitigation ID" column. Any given acreage of wetland should be listed in one row only, such that the total of all rows equals the project total for a given category (column). For example, if Wetland No. 1 includes multiple wetland types and multiple impact codes are proposed in each type, then each proposed impact in each wetland type should be shown on a separate row, while the size of each wetland type found in Wetland No. 1 should be listed in only one row.

Comments: ___

N.A.

TABLE 2
ON-SITE MITIGATION SUMMARY

MITIGATION ID	CREATION		RESTORATION		ENHANCEMENT		WETLAND PRESERVE		UPLAND PRESERVE		OTHER	
	AREA	TARGET TYPE	AREA	TARGET TYPE	AREA	TARGET TYPE	AREA	TARGET TYPE	AREA	TARGET TYPE	AREA	TARGET TYPE
PROJECT TOTALS:												

CODES (multiple entries per cell not allowed): Target Type or Type = target or existing habitat type from an established wetland classification system or land use classification for non-wetland mitigation

COMMENTS:

N.A.

TABLE 3
OFF-SITE MITIGATION SUMMARY

MITIGATION ID	CREATION		RESTORATION		ENHANCEMENT		WETLAND PRESERVE		UPLAND PRESERVE		OTHER	
	AREA	TARGET TYPE	AREA	TARGET TYPE	AREA	TARGET TYPE	AREA	TARGET TYPE	AREA	TARGET TYPE	AREA	TARGET TYPE
PROJECT TOTALS:												

CODES (multiple entries per cell not allowed):

Target Type=target or existing habitat type from an established wetland classification system or land use classification for non-wetland mitigation

N.A.

TABLE 4
DOCKING FACILITY SUMMARY

Type of Structure*	Type of Work**	Number of Identical Docks	Length (feet)	Width (feet)	Height (feet)	Total square feet over water	Number of slips

	TOTALS:	Existing	Proposed
*Dock, Pier, Finger Pier, or other structure (please specify what type)	Number of Slips		
**New, Replaced, Existing (unaltered), Removed, or Altered/Modified	Square Feet over the water		

Use of Structure:

Will the docking facility provide:

Live-aboard Slips? If yes, Number:
Fueling Facilities: If yes, Number
Sewage Pump-out Facilities? If yes, Number:
Other Supplies or Services Required for Boating (excluding refreshments, bait and tackle)
☐ Yes ☐ No

Type of Materials for Decking and Pilings (i.e., CCA, pressure treated wood, plastic, or concrete)

Pilings
Decking
Proposed Dock-Plank Spacing (if applicable)

Proposed Size (length and draft), Type, and Number of Boats Expected to Use or Proposed to be Mooring at the facility)

N.A.

Table 5: SHORELINE STABILIZATION

IF YOU ARE CONSTRUCTING A SHORELINE STABILIZATION PROJECT, PLEASE PROVIDE THE FOLLOWING:

Type of Stabilization Being Done	Length (in feet) of New	Length (in feet) of Replaced	Length (in feet) of Repaired	Length (in feet) of Removed	Slope: H: V:	Width of the Toe (in feet)
Vertical Seawall						
Seawall plus Rip-Rap						
Rip-Rap						
Rip-Rap plus Vegetation						
Other Type of Stabilization Being Done:						

Size of the Rip Rap: ___

Type of Rip Rap:___

COMMENTS:

SECTION F

Information for Mitigation Banks

Please provide the information requested below if you are applying for a mitigation bank permit or a mitigation bank conceptual approval.

A. General Site Conditions. Provide the following:

1. A map, at regional scale, of the mitigation bank in relation to the regional watershed and proposed mitigation service area.

2. A vicinity map showing the mitigation bank in relation to adjacent lands and off-site areas of ecological or hydrologic significance which could affect the long term viability or ecological value of the bank;

3. A recent aerial photo of the mitigation bank (no photocopies) identifying boundaries of the project area;

4. A highway map showing points of access to the mitigation bank for site inspection;

5. A legal description of the proposed mitigation bank;

6. A description and assessment of current site conditions including:

(a) a soils map of the mitigation bank site;
(b) a topographic map of the mitigation bank site and adjacent hydrologic contributing and receiving areas;
(c) a hydrologic features map of the mitigation bank and adjacent hydrologic contributing and receiving areas;
(d) current hydrologic conditions in the mitigation bank site;
(e) a vegetation map of the mitigation bank site;
(f) ecological benefits currently provided to the regional watershed by the mitigation bank site;
(g) adjacent lands, including existing land uses and conditions, projected land uses according to comprehensive plans adopted pursuant to Chapter 163, F.S., by local governments having jurisdiction, and any special designations or classifications associated with adjacent lands or waters;
(h) a disclosure statement of any material fact which may affect the contemplated use of the property; and
(i) a Phase I environmental audit of the property (not required for a Conceptual Approval).

B. Mitigation Bank Information

1. A description of the ecological significance of the proposed mitigation bank to the regional watershed in which it is located.

2. A mitigation plan describing the actions proposed to establish, construct, operate, manage and maintain the mitigation bank including:

(a) construction-level drawings detailing proposed topographic alterations and all structural components associated with proposed activities (not required for a Conceptual Approval);
(b) proposed construction activities, including a detailed schedule for implementation (not required for a Conceptual Approval);
(c) the proposed vegetation planting scheme and detailed schedule for implementation;
(d) measures to be implemented during and after construction to avoid adverse impacts related to proposed activities;
(e) a detailed long-term management plan comprising all aspects of operation and maintenance, including water management practices, vegetation establishment, exotic and nuisance species control, fire management, and control of access; and

(f) a proposed monitoring plan to demonstrate mitigation success.

3. An assessment of improvement or changes in ecological value anticipated as a result of proposed mitigation actions including:

(a) a description of anticipated site conditions in the mitigation bank after the mitigation plan is successfully implemented;
(b) a comparison of current fish and wildlife habitat to expected habitat after the mitigation plan is successfully implemented; and
(c) a description of the expected ecological benefits to the regional watershed.

4. Evidence of sufficient legal or equitable interest in the property which is to become the mitigation bank to meet the requirements of the Applicant's Handbook / Basis of Review (not required for a Conceptual Approval).

5. Draft documentation of financial responsibility meeting the requirements of the Applicant's Handbook / Basis of Review (not required for a Conceptual Approval).

6. Any engineering calculations and/or computer modeling (such as hydrograph or staging) needed to assess the effects of the project on the hydrologic characteristics of the mitigation bank site and upstream and downstream areas.

SECTION G

Application for Authorization to Use Sovereign Submerged Lands

Part 1: Sovereign Submerged Lands title information (see Attachment 5 for an explanation). Please read and answer the applicable questions listed below:

A. I have a sovereign submerged lands title determination from the Division of State Lands which indicates that the proposed project is NOT ON sovereign submerged lands (Please attach a copy of the title determination to the application). Yes☐ No☐

- If you answered Yes to Question A and you have attached a copy of the Division of State Lands Title Determination to this application, you do not have to answer any other questions under Part I or II of Section G.

B. I have a sovereign submerged lands title determination from the Division of State Lands which indicates that the proposed project is ON sovereign submerged lands (Please attach a copy of the title determination to the application). Yes☐ No☐

- If you answered yes to question B please provide the information requested in Part II. Your application will be deemed incomplete until the requested information is submitted.

C. I am not sure if the proposed project is on sovereign submerged lands (please check here). ☒

- If you have checked this box department staff will request that the Division of State Lands conduct a title determination. If the title determination indicates that the proposed project or portions of the project are located on sovereign submerged lands you will be required to submit the information requested in Part II of this application. The application will be deemed incomplete until the requested information is submitted.

D. I am not sure if the proposed project is on sovereign submerged lands and I DO NOT WISH to contest the Department's findings (please check here). ☐

- If you have checked this box refer to Part II of this application and provide the requested information. The application will be deemed incomplete until the requested information is submitted.

E. It is my position that the proposed project is NOT on sovereign submerged lands (please check here)☐

- If you have evidence that indicates that the proposed project is not on sovereign submerged lands please attach the documentation to the application. If the Division of State Lands title determination indicates that your proposed project or portion of your proposed project are on sovereign submerged lands you will be required to provide the information requested in Part II of this application.

F. If you wish to contest the findings of the title determination conducted by the Division of State Lands please contact the Department of Environmental Protection's Office of General Counsel. Your proposed project will be deemed incomplete until either the information requested in Part II is submitted or a legal ruling indicates that the proposed project is not on sovereign submerged lands.

Part II: If you were referred to this section by Part I, please provide this additional information. Please note that if your proposed project is on sovereign submerged lands and the below requested information is not provided, your application will be considered incomplete.

A. Provide evidence of title to the subject riparian upland property in the form of a recorded deed, title insurance, legal opinion of title, or a long-term lease which specifically includes riparian rights. Evidence submitted must demonstrate that the application has sufficient title interest in the riparian upland property. See attached information on FPL ownership, Attachment G, Part IIIA.

B. Provide a detailed statement describing the existing and proposed upland uses and activities. For commercial uses, indicate the specific type of activity, such as marina, ship repair, dry storage (including the number of storage spaces), commercial fishing/seafood processing, fish camp, hotel, motel resort restaurant, office complex, manufacturing operation, etc. (Refer to SCA Chapter 4)

For rental operations, such as trailer or recreational vehicle parks and apartment complexes, indicate the number of wet slip units/spaces available for rent or lease and describe operational details (e.g., are spaces rented on a month-to-month basis or through annual leases).

For multi-family residential developments, such as condominiums, townhomes, or subdivisions, provide the number of living units/lots and indicate whether or not the common property (including the riparian upland property) is or will be under the control of a homeowners association.

For projects sponsored by a local government, indicate whether or not the facilities will be open to the general public. Provide a breakdown of any fees that will be assessed, and indicate whether or not such fees will generate revenue or will simply cover costs associates with maintaining the facilities.

C. Provide a detailed statement describing the existing and proposed activities located on or over the sovereign submerged lands at the project site. This statement must include a description of docks and piers, types of vessels (e.g., commercial fishing, liveaboards, cruise ships, tour boats), length and draft of vessels, sewage pumped facilities, fueling facilities, boat hoists, boat ramps, travel lifts, railways, and any other structure or activities existing or proposed to be located waterward of the mean/ordinary high water line. (Refer to SCA Chapter 4)

If slips are existing and/or proposed, please indicate the number of powerboat slips and sailboat slips and the percentage of those slips available to the general public on a "first come, first served" basis. This statement must include a description of channels, borrow sites, bridges, groins, jetties, pipelines, or other utility crossings, and any other structures or activities existing or proposed to be located waterward of the mean/ordinary high water line. For shoreline stabilization activities, this statement must include a description of seawalls, bulkheads, riprap, filling activities, and any other structure or activities existing or proposed to be located along the shoreline.

D. Provide the linear footage of shoreline at the mean/ordinary high water line owned by the application which borders sovereign submerged lands. See SCA Section 3.1, Appendix 10.6.

E. Provide a recent aerial photo of the area. A scale of 1"=200' is preferred. Photos are generally available at minimal cost from your local government property appraiser's office or from district Department of Transportation offices. Indicate on the photo the specific location of your property/project site. See SCA Section 3.1.

PROPRIETARY PROJECT DESCRIPTIONS
Refer to SCA Chapter 4.

Please check the most applicable activity which applies to your project(s):

Leases

☐ Commercial marinas (renting wet slips) including condos, etc., if 50% or more of their wet slips are available to the general public
☐ Public/Local governments
☐ Yacht Clubs/Country Clubs (when a membership is required)
☐ Condominiums (requires upland ownership)
☐ Commercial Uplands Activity (temporary docking and/or fishing pier associated with upland revenue generating activities, i.e., restaurants, hotels, motels) for use of the customer at not charge
☐ Miscellaneous Commercial Upland Enterprises where there is a charge associated with the use of overwater structure (Charter Boats, Tour Boats, Fishing Piers)
☐ Ship Building/Boat Repair Service Facilities
☐ Commercial Fishing Related (Offloading, Seafood Processing)
☐ Private Single-family Residential Docking Facilities; Townhome Docking Facilities; Subdivision Docking Facilities (upland lots privately owned)

Public Easements and Use Agreements

☐ Miscellaneous Public Easements and Use Agreements
☐ Bridge Right-of-way (DOT, local government)
☐ Breakwater of groin
☐ Subaqueous Utility Cable (TV, telephone, electrical)
☐ Subaqueous Outfall or Intake
☐ Subaqueous Utility Water/Sewer
☐ Overhead Utility w/Support Structure on Sovereign Submerged Lands
☐ Disposal Site for Dredged Material
☐ Pipeline (gas)
☐ Borrow Site

Private Easements

☐ Miscellaneous Private Easements
☐ Bridge Right-of-way
☐ Breakwater Groin
☐ Subaqueous Utility Cable (TV, telephone, electrical)
☐ Subaqueous Outfall or Intake
☐ Subaqueous Utility Water/Sewer
☐ Overhead Utility Crossing
☐ Disposal Site for Dredged Material
☐ Pipeline (gas)

Consents of Use

☐ Aerial Utility Crossing w/no support structures on sovereign submerged lands
☐ Private Dock
☐ Public Dock
☐ Multi-family Dock
☐ Fishing Pier (private or Multi-family)
☐ Private Boat Ramp
☐ Sea Wall
☐ Dredge
☐ Maintenance Dredge
☐ Navigation Aids/Markers
☐ Artificial Reef
☐ Riprap
☐ Public Boat Ramp
☐ Public Fishing Pier
☐ Repair/Replace Existing Public Fishing Pier
☐ Repair/Replace Existing Private Dock
☐ Repair/Replace Existing Public Dock
☐ Repair/Replace Existing Multi-family Dock
☐ Repair/Replace Existing Fishing Pier (Private or Multi-family)
☐ Repair/Replace Existing Private Boat Ramp
☐ Repair/Replace Existing Sea Wall, Revetments, or Bulkheads
☐ Repair/Replace/Modify structures/activities within an exiting lease, easement, management agreement or use agreement area or repair/replace existing grandfathered structures
☐ Repair/Replace Existing Public Boat Ramp

Miscellaneous

☐ Biscayne Bay Letters of Consistency/Inconsistency w/258.397, F.S.
☐ Management Agreements - Submerged Lands
☐ Reclamation
☐ Purchase of Filled, Formerly Submerged Lands
☐ Purchase of Reclaimed Lake Bottom
☐ Treasure Salvage
☐ Insect Control Structures/Swales
☐ Miscellaneous projects which do not fall within the activity codes listed above

ATTACHMENT G, PART IIA

FPL OWNERSHIP DOCUMENTS FOR THE CANAVERAL PLANT

Government Lot 3, Section 19, Township 23 South, Range 36 East; together with an easement over and across the North 50 feet of the South 280 feet of Rosevear Terrace Subdivision lying West of U.S. Highway #1.

and

Begin at the concrete post at the west quarter section corner of Section 19, Township 23 South, Range 36 East, said post being the Northwest corner of U.S. Lot 3 of said Section 19; thence run South 89° 52'30" East on the quarter section line or North side of U.S. Lot 3 a distance of 1320.5 feet to a concrete monument which replaced old coquina post at the Northeast corner of said U.S. Lot 3 for the point of beginning of land herein described; thence for a first course, run North 36° 30' East along the northwesterly line of lands formerly owned by P. D. Shuping, a distance of 307.1 feet to a concrete monument; thence for a second course, run North 25° 11' 25" West a distance of 16 feet to a concrete post; thence for a third course, run South 80° 13' 30" West parallel to the North line of Norman Carhart Deed as recorded in Deed Book 194, Page 124, Public Records of Brevard County, Florida, a distance of 274.6 feet to an iron pipe; thence for a fourth course, run South and parallel to the West line of Section 19, a distance of 215 feet to an iron rod on the North line of U.S. Lot 3 or the quarter section line; thence for a fith course run South 89° 52' 50" East along the North line of said U.S. Lot 3 a distance of 95.57 feet to a concrete monument at the Northeast corner of said U.S. Lot 3, which is the Point of Beginning; together with right of way 16 feet wide described as follows: From the aforesaid Point of Beginning, run North 36° 30' East along the northwesterly line of land formerly owned by P.D. Shuping a distance of 307.1 feet to a concrete monument for the Point of Beginning of said right of way; thence for a first course, run North 65° 37' 13" East 70.13 feet to a concrete monument on the West right of way line of new U.S. Highway #1; thence for a second course, run North 13° 52' West along said right of way line 16.32 feet to a point; thence for a third course, run South 65° 37' 13" West 72.90 feet to a concrete monument; thence for a fourth course, run Southeasterly 16 feet, more or less, to the Point of Beginning.

and

All of Lot 1 of the Resubdivision of Rosevear Terrace Subdivision lying west of the west right of way line of new U.S. Highway #1, except the South 230 feet, said Resubdividion being recorded in Plat Book 8, Page 40, of the Public Records of Brevard County, Florida, subject to a 50 foot easement running East and West on the South side of said property.

and

The North 180 feet of the South 230 feet of that part of Rosevear Terrace Subdivision lying West of the West right of way line of new U.S. Highway #1, said plat of Rosevear Terrace Subdivision being recorded in Plat Book 8, Page 40, Public Records of Brevard County, Florida.

and

A tract of land located in Section 19, Township 23 South, Range 36 East, described as follows:

From an iron pipe on the range line, which is 713.10 feet North of th quarter section corner on the West side of said Section 19, which is a point of referance, run North 75° 09' East and parallel to the South line of the Delespine Grant, a distance of 1548.24 feet to an iron pipe on the East line of the right of way of U.S. Highway #1 also known as Dixie Highway, as presently located, which is the Point of Beginning of the land herein described; and from the said Point of Beginning, for a first course, run South 14° 32' 30" East on the East right of way line of U.S. Highway #1 (which is also know as State Road #5), a distance of 295 feet to the Northwest corner of the land conveyed to Carl W. and Alice C. Hopps by deed recorded in Book 264, Page 475, Official Records of Brevard County, Florida; thence for a second course, run North 47° 16' 42" East on the North line of the land conveyed to Carl W. and Alice C. Hopps, aforesaid, a distance of 528 feet, more or less to and into the waters of the Indian River; thence return to the Point of Beginning, and for a third course, run North 75° 09' East a distance of 449.76 feet to an iron pipe on the West bank of the Indian River, and continue the said course to and into the waters of the Indian River; and thence for a fourth course, run South 36° 58' East in the waters edge of the Indian River, a distance of 46.18 feet, more or less, to the eastern terminus of the second course, which is the northeast corner of the land conveyed to Carl W. and Alice C. Hopps as aforesaid; together with the riparian and littoral rights and the submerged lands in Indian River appertaining to said property.

Ramos 9/15/62

and

Commence at a point on the West line of fractional Section 19, Township 23 South, Range 36 East, which point is 713.10 feet North of the northwest corner of the northwest quarter (NW¼) of the southwest quarter (SW¼) of said fractional Section 19; thence run North 75° 09' East parallel with the South line of the Delespine Grant, 1548.24 feet to a point on the East right of way of U.S. Highway #1 (Dixie Highway) as presently located; thence South 14° 32' 30" East along said East right of way line 295 feet to the Point of Beginning; from said Point of Beginning, for a first course, continue South 14° 32' 30" East, along said East right of way line, 200 feet; thence for a second course, run North 49° 24' 40" East 600 feet, more or less, to and into the waters of the Indian River; thence return to the Point of Beginning; thence for a third course, run North 47°16'42" East 528 feet, more or less, to and into the waters of the Indian River; thence for a fourth course, run southeasterly along the waters of the Indian River 200 feet, more or less, to the above described termination of said second course; together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

Hoppa

and

Commencing at a concrete monument which is the southwest corner of Government Lot 2, Section 19, Township 23 South, Range 36 East; thence run north along the west section line of said Section 19, a distance of 349.63 feet to an iron pipe; thence North 80°13'30" East a distance of 1579.50 feet to a concrete monument on the West right of way line of U.S. Highway # 1; thence continuing North 80°13'30" East a distance of 66.23 feet across U.S. Highway #1 to a concrete monument on the East right of way of said U.S. Highway #1 and the Point of Beginning of the lands herein described; thence North 49°07'20" East 608.78 feet to an iron pipe on the shore of the Indian River; thence southeasterly along the shore line of the Indian River 299.05 feet to an iron pipe; thence South 63°20'25" West 663.95 feet to a concrete minument on the East right of way line of U.S. Highway #1; thence North 14°24'40" West 150 feet to a concrete monument and the Point of Beginning; together all riparian rights thereunto appertaining.

Harman 9-7-62

and

Commence at a concrete monument at the Southwest corner of Govenment Lot 2, Section 19, Township 23 South, Range 36 East, and run North along said Section Line 349.63 feet to an iron pipe; thence North 80°13'30" East 1645.5 feet to an iron pipe set on the East right of way line of U.S. Highway #1, as presently located; thence South 14°36' East along said East right of way line a distance of 150 feet to a concrete monument for a Point of Beginning of lands herein described; thence North 63°31' East along South line of lands described in Deed Book 410, Page 622, Public Records of Brevard County, Florida a distance of 664.1 feet to a stone set on the shore of the Indian River; thence southeasterly along said shore line a distance of 76 feet; thence westerly to a point on the East right of way line of U.S. Highway #1, said point being 51 feet southeasterly measured along said right of way line from the Point of Beginning; thence northwesterly along said right of way line a distance of 51 feet to the Point of Beginning; together with all riparian and littoral rights therunto appertaining.

Purvis 8-28-62

and

Begin at the West shore of the Indian River at the southeast corner of the previously described parcel and run southeasterly along the shore line of the Indian River to the southeast corner of property described in Deed Book 369, Page 525, Public Records of Brevard County, Florida; thence continue westerly along said South line of property as described in Deed Book 369, Page 525, Public Records of Brevard County, Florida a distance of 340 feet; thence run northerly to an iron pipe located on the South line of the previously described property, said point being located 330 feet, more or less, measured along said South line from the waters of the Indian River and easterly 310 feet measured along said South line from the East right of way line of U.S. Highway #1; thence easterly along said South line to the Point of Beginning; together with all riparian and littoral rights thereunto appertaining and subject to an easement 10 feet wide, extending from the land hereinabove described to the waters of the Indian River, which was reserved in the deed executed by Edward Lawton and Marie Lawton to Delmer H. Robert, dated March 1, 1957, and recorded in Deed Book 442, Page 251, Public Records of Brevard County, Florida.

Purvis 8-28-62

and

From the Coquina monument at the northeast corner of U.S. Government Lot 3, being the northeast corner of the west-half (W½) of the southwest quarter (SW¼) of fractional Section 19, Township 23 South, Range 36 East, run along the northwesterly line of the Rosevear Terrace Subdivision (according to the plat of said subdivision recorded in Plat Book 4, Page 70, and replatted according to plat recorded in Plat Book 8, Page 40, Public Records of Brevard County, Florida), on a course of North 36°30' East, a distance of 307.1 feet to an iron pipe; thence run along the northerly line of the said Rosevear Terrace Subdivision, being the northerly line of P.D. Shuping's land, on a course of North 64°48'35" East a distance of 212.7 feet to a concrete post on the East side of the right of

Lawton 9-11-62

Cont.

Lawton 9-11-62

way of U.S. Highway #1, which point is the Point of Beginning of the land herein described; from the said Point of Beginning, run North 14°36' West on the East side of the right of way of U.S. Highway #1, a distance of 100 feet, more or less, to the South line of the land conveyed by Edward and Marie Lawton to Delmer H. Roberts by deed recorded in Deed Book 437, Page 232; thence run easterly to the South line of the land conveyed by Edward and Marie Lawton to Delmer H. Roberts, recorded in Deed Book 437, Page 232, aforesaid, a distance of 310 feet, more or less, to an iron pipe in a ditch located at the northwest corner of the lands conveyed by Edward and Marie Lawton to Delmer H. Roberts by deed recorded in Deed Book 442, Page 251, a distance of 100 feet, more or less, to the North line of the Rosevear Terrace Subdivision, aforesaid; and thence run South 64°48'35" West on the North line of the Rosevear Terrace Subdivision aforesaid, a distance of 394.8 feet, more or less, to the Point of Beginning; together with all of the right, title and interest of the parties of the first part in and to the easement ten (10) feet wide, extending from the land hereinabove described to the waters of the Indian River, which was reserved in the deed executed by them to Delemer H. Roberts, dated March 1, 1957, and recorded in Deed Book 442, Page 251, Public Records of Brevard County, Florida.

and

William Cramer 1-7-63

A tract of land situated in Government Lot 2 of Section 19, Township 23 South, Range 36 East, described as follows: From the northeast corner of the west half of the southwest quarter (SW¼) of Section 19 aforesaid, which is a point of reference, run the boundary of the Rosevear Terrace Subdividion (the plat of which is recorded in Plat Book 4, Page 70, Public Records of Brevard County, Florida) North 36°30' East a distance of 307.1 feet: and thence North 64°48'35" East, a distance of 212.7 feet to a point on the East side of the right of way of State Road #5, also known as U.S. Highway #1, which is the Point of Beginning of the land herein described; thence continue on the North line of the Rosevear Terrace Subdivision, North 64°48'35" East a distance of 734.8 feet, more or less, to the West bank of the Indian River; thence run southerly in the waters edge of the Indian River, a distance of 192 feet to a stake at the northeast corner of the lands of Conrad W. and Ruth D. Cramer to a point on the East line of State Road #5, also know as U.S. Highway #1, which is 115 feet from the Point of Beginning; thence run northerly on the East line of the right of way of State Road #5 a distance of 115 feet to the Point of Beginning; together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

and

Conrad Cramer 1-7-63

A tract of land situated in Government Lot 2, Section 19, Township 23 South, Range 36 East, described as follows: From the northeast corner of the west-half (W½) of the southwest quarter (SW¼) of Section 19 aforesaid, which is a point of referance, run the boundary of the Rosevear Terrace Subdivision (the plat of which is recorded in Plat Book 4, Page 70, Public Records of Brevard County, Florida) North 36°30' East, a distance of 307.1 feet; and thence North 64°48'35" East, a distance of 212.7 feet to a point on the East side of the right of way of State Road #5, also known as U.S. Highway #1; thence run southerly on the East line of the right of way of State Road #5, also known as U.S. Highway #1, a distance of 115 feet to the southwest corner of the lands of William Cramer, Jr., and Catherine Cramer, which is the Point of Beginning of the land herein described; thence run easterly on the South line of the lands of William Cramer, Jr., and Catherine Cramer to a point on the West shore of the Indian River, which is 192 feet southerly, as measured along the shore of the Indian River from the northeast corner of the Rosevear Terrace Subdivision ; thence run southerly in the waters edge of the Indian River, a distance of 192 feet to the northeast corner of the lands of Worth A. Overacker and Maud I. Overacker; thence run westerly on the North line of the lands of Worth A. Overacker and Maud I. Overacker to a point on the East right of way line of State Road #5, which is 230 feet, measured on said right of way line from the North line of Rosevear Terrace Subdivision; thence run northerly on the East line of said State Road right of way line, a distance of 115 feet to the Point of Beginning; together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

and

Overacker 9-11-62

All that certain tract or parcel of land situated, lying and being in Government Lots 2 and 4, of Section 19, Township 23 South, Range 36 East, and being more particularly described as follows:

Beginning at a concrete monument on the Easterly right of way line of U.S. Highway #1, also known as State Road #5, as presently located, 318.12 feet South of the North line of said Government Lot 4, (said concrete monument is South 40° East 46.4 feet from the center of a concrete culvert under said U.S. Highway #1); thence run South 89°59'40" East, 1040 feet along the South line of Rosevear Terrace, according to plat of said Subdivision recorded in Plat Book 4, Page 70, of the Public Records of Brevard County, Florida, to a concrete monument set on the West bank of the Indian River, (an 8 inch palm

bears South 58° West 42 feet; a gum tree (7 inches) bears North 47° West 53.5 feet), and thence continue on the same course to and into the waters of the Indian River; thence run northwesterly, meandering the waters edge of the Indian River, a distance of 753 feet to an iron pipe set at the Southeast corner of the lands of Conrad W. Cramer and Ruth D. Cramer, husband and wife, as described in Deed Book 345, Page 314, Public Records of Brevard County, Florida; thence run South 75°14'20" West along the South line of U.S. Highway #1, also known as State Road #5, as presently located; thence South 15°14'40" East along the easterly right of way line of said U.S. Highway #1, also known as State Road #5, as presently located, a distance of 461 feet to the concrete monument set at the Point of Beginning; together with all riparian, littoral and shore rights belonging or in anywise pertaining.

and

That part of Government Lot 4, Section 19, Township 23 South, Range 36 East, more particularly described as follows, to-wit: Begin at the Northwest corner of the aforesaid Government Lot 4; thence run South on the West line of said Government Lot 4, 323.77 feet to a coquina post; thence South 89°35' East 549.75 feet, more or less, to a concrete post set on the East side of U.S. Highway #1, for the Point of Beginning; from said Point of Beginning run thence South 14°45' East along the East side of said Highway #1, 275.49 feet to a concrete post, which post is 266 feet South of the Point of Beginning by right angle measurements; thence run South 89°35' East and parallel to the North line of said Government Lot 4 and 589.77 feet South therefrom a distance of 1007 feet, more or less, to a concrete post; thence continue East 30 feet, more or less, to and into the waters of the Indian River; thence Northwesterly meandering the waters of the Indian River to a point distant at right angle measurements South of the North line of said Government Lot 4, 323.77 feet,;thence North 89°35' West and parallel to the North line of said Government Lot 4, 1039.5 feet, more or less, to the Point of Beginning; together with all riparian, littoral and shore rights belonging or in anywise pertaining.

and

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East; thence South on the West line of said Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to the North line of said Lot 4 a distance of 549.75 feet to a concrete post on the East right of way line of U.S. Highway #1; thence Southeasterly along said East right of way line a distance of 266 feet South of the last course by perpendicular measure to a concrete post; thence East parallel to the North line of said Lot 4 a distance of 695.67 feet to a concrete post for a Point of Beginning; thence South a distance of 90 feet; thence East parallel to the North line of said Government Lot 4 a distance of 150 feet; thence North a distance of 90 feet; thence West along a line parallel to the North line of said Government Lot 4 a distance of 150 feet to the Point of Beginning; together with easement for road right of way 20 feet wide running East and West from the Indian River to said Highway and bordering said parcel on the South and together with all riparian, littoral and shore rights belonging or in anywise pertaining.

and

Begin at Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East; thence South on the West line of aid Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to the North line of said Government Lot 4 a distance of 549.75 feet to a concrete post on the East right of way line of U.S. Highway #1; thence southeasterly along said East right of way line a distance of 266 feet (the 266 feet measured perpendicularly) to a concrete post; thence East parallel to North line of said Lot 4 a distance of 845 feet to a concrete post for Point of Beginning; thence South a distance of 90 feet; thence East parallel to the North line of said Lot 4 a distance of 90 feet; thence North a distance of 90 feet; thence West parallel to the North line of said Government Lot 4 a distance of 90 feet to the Point of Beginning; together with easement for road right of way 20 feet wide running East and West from Indian River to said Highway and bording said parcel on the South; and together with all riparian, littoral and shore rights belonging or in anywise pertaining.

and

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East; thence South on the West line of said Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to the North line of said Lot 4 a distance of 549.75 feet to a concrete post on the East right of way line of U.S. Highway #1; thence Southeasterly along said East right of way line a distance of 266 feet South of the last course by perpendicular measure to a concrete post; thence East parallel to the North line of said Lot 4 a distance of 935 feet to a point which is the Point of Beginning; thence South a distance of 90 feet; thence East parallel to the North line of said Lot 4 a distance of 143 feet, more or less, to the waters edge of the Indian River; thence North a perpendicular distance of 90 feet following the waters edge of the Indian River, thence

West along a line parallel to the North line of said Government Lot 4 a distance of 123 feet, more or less, to the Point of Beginning; together with easement for road right of way 20 feet wide running East and West from the Indian River to the said Highway and bordering said parcel on the South and together with all riparian, littoral and shore rights belonging or in anywise pertaining.

and

Begin at the Northwest corner on Government Lot 4, Sectin 19, Township 23 South, Range 36 East; thence South on the West line of said Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to North line of said Lot 4 a distance of 549.75 feet to a concrete post on the East right of way line of U.S. Highway #1; thence southeasterly along said East right of way a distance of 376 feet, (the 376 feet measured perpendicular), to a concrete post; thence East parallel to teh North line of said Lot 4 a distance of 893 feet to a concrete post as Point of Beginning; thence East parallel to the North line of said Lot 4 a distance of 153 feet, more or less, to the waters of the Indian River; thence South along the waters of the Indian River a distance of 90 feet measured perpendicularly North and South; thence West 176 feet, more or less, to a concrete post; thence North 90 feet to Point of Beginning; together with all riparian rights and together with easement for road right of way 20 feet wide running East and West from the Indian River to the said Highway and bordering said parcel on the North; and all other improvements located thereon.

All lying and being in Brevard County, Florida and containing 81.6 acres.

EXHIBIT "A"

Sold to E Jones 9-3-86

LEGAL DESCRIPTION

Beginning at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida thence South 323.77 feet, East 549.75 feet to East right of way line of US 1, Southeast, along East right of way 376 feet, East 893 feet to the Point of Beginning East 153 feet to waters of Indian River, South along waters of river 90 feet, West 176 feet, North 90 feet to Point of Beginning together with all riparian rights and together with easement for road right of way 20 feet wide running east and west from Indian River to US 1.

Also described as Burchfield per Survey Book 1, Page 115, part of Lot 2 as described as in Official Records Book 177, Page 545.

RECORD AND RETURN TO:

RETURN TO:
CHELSEA TITLE CO.
429 PALM AVE.
TITUSVILLE, FL 32780

CORONADO TITLE CO., INC.
316 CANAL STREET
NEW SMYRNA BEACH, FL 32069

—

RECORD DEED-----~~13~~.00
DOC ON DEED----291.00
~~x000x00~~
304.00

Form 84 Florida WARRANTY DEED. (To Corporation.)

OFFI RECS 524 p 618

TUTBLANX REGISTERED U.S. PAT. OFFICE Tuttle Law Print, Publishers, Rutland, Vt.

5409

This Indenture

Made this 4th *day of* ~~August~~ September *A. D. 19* 62

Between P. D. SHUPING, unmarried,

of the County of *and State of*
part y *of the first part, and* FLORIDA POWER & LIGHT COMPANY

a corporation existing under the laws of the State of Florida
having its principal place of business in the County of Dade *and*
State of Florida *party of the second part,* ~~is~~ *post office address*
is P.O. Box 3100, Miami, Florida.

Witnesseth, *that the said party of the first part, for and in consideration of the sum of* Ten Dollars and other valuable considerations ~~Dollars~~, *to* him *in hand paid, the receipt whereof is hereby acknowledged, ha granted, bargained, sold, aliened, remised, released, enfeoffed, conveyed and confirmed and by these presents do*es *grant, bargain, sell, alien, remise, release, enfeoff, convey and confirm unto the said party of the second part and its successors and assigns forever, all that certain parcel of land lying and being in the County of* Brevard *and State of Florida, more particularly described as follows:*

All of Lot One (1) of the resubdivision of Rosevear Terrace Subdivision lying west of the west right of way line of new U.S. No. 1 Highway, except the south two hundred thirty (230) feet, said resubdivision being recorded in Plat Book 8, page 40, of the public records of Brevard County, Florida, subject to a fifty (50) foot easement running east and west on the south side of said property.

This conveyance is made subject to the lien for taxes for the year 1962, and exceptions, restrictions and reservations of record.

Together *with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, dower and right of dower, reversion, remainder and easement thereto belonging or in anywise appertaining:*

To Have and to Hold *the same in fee simple forever.*

And the said part y *of the first part do* es*covenant with the said party of the second part that* he is *lawfully seized of the said premises, that they are free of all incumbrance, and that* he has *good right and lawful authority to sell the same; and that said part* y *of the first part doth hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever..*

In Witness Whereof, *the said part* y *of the first part ha*s *hereunto set* his *hand and seal the day and year above written.*

Signed, Sealed and Delivered in Our Presence:

John W. Daniels

Mrs. Joseph Solano

P. D. Shuping

BREVARD COUNTY STATE OF FLORIDA DOCUMENTARY STAMP TAX SEP-7'62 4600 COMPTROLLER P.B. 190114

State of Florida,

County of St. Johns

OFFI' RECS 524 PAGE 619

I HEREBY CERTIFY, That on this 4th day of ~~August~~, September A. D. 19 62 before me personally appeared

P. D. SHUPING, unmarried,

to me known to be the person described in and who executed the foregoing conveyance to FLORIDA POWER & LIGHT COMPANY, a Florida corporation,

and severally acknowledged the execution thereof to be his free act and deed for the uses and purposes therein mentioned.

WITNESS my signature and official seal at St. Augustine in the County of St. Johns and State of Florida, the day and year last aforesaid.

Notary Public, State of Florida at large
My Commission Expires Feb. 16, 1965
Bonded by Travelers.

My Commission Expires

Notary Public

FILED AND RECORDED
BREVARD COUNTY, FLA.
VERIFIED
316606
1962 SEP 7 PM 2 11

DEPUTY CLERK

Warranty Deed

TO CORPORATION

TO

Date

ABSTRACT OF DESCRIPTION

STATE OF FLORIDA,
County of

On this day of A. D. 19 , at o'clock m., this instrument was filed for record, and being duly acknowledged and proven, I have recorded the same on pages in the of Book public records of said County.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Circuit Court of the Judicial Circuit of said State, in and for said County.

Clerk.

, D. C.

RUSSELL SNOW
LLOYD CAMPBELL
ATTORNEYS AT LAW
COCOA, FLORIDA

316606

RECORDING $ 4.00
FLA. DOC. STAMPS 33.20
U.S. DOC. STAMPS
TOTAL $ 37.20

WARRANTY DEED

OFFI. RECS 525 PAGE 974

4400

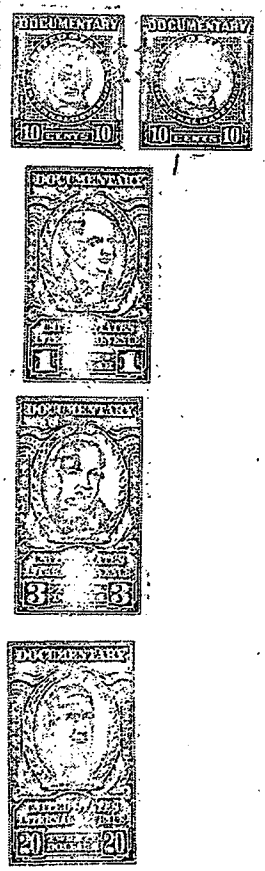
THIS INDENTURE, made this 28th day of August, 1962, by and between L. A. PERRIN, as Trustee, and individually, joined by his wife, LENELLE PERRIN, of the County of Brevard, and State of Florida, parties of the first part, and FLORIDA POWER & LIGHT COMPANY, a corporation existing under the laws of the State of Florida, and having its principal place of business in Miami, Dade County, Florida, party of the second part,

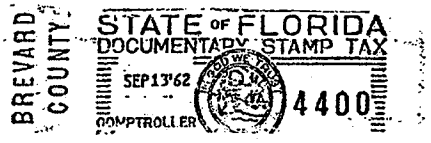
W I T N E S S E T H:

That the said parties of the first part, for and in considerati of the sum of Ten Dollars ($10.00) and other valuable consideration, to them in hand paid, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said party of the second part, its successors and assigns forever, all that certain land lying and being in the County of Brevard and State of Florida, more particularly described as follows:

Parcel No. 1: Start at a concrete monument at the southwest corner of Government Lot 2, Section 19, township 23 south, range 36 east, go north along Section line 349.63 feet to an iron pipe; thence north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east, 1645.5 feet to an iron pipe set on the east right of way line of U. S. Highway No. 1, as presently located; thence south fourteen (14) degrees, thirty-six (36) minutes east along said east right of way line, a distance of 150 feet to a concrete monument for a point of beginning of lands hereby conveyed; thence north sixty-three (63) degrees, thirty one (31) minutes, east along south line of lands described in Deed Book 410, page 622, Public Records of Brevard County, Florida, a distance of 664.1 feet to a stone set on the shore of the Indian River; thence southeasterly along said shore line, a distance of 76 feet, thence westerly to a point on the east right of way line of U. S. Highway No. 1, said point being 51 feet south-easterly measured along said right of way line from the point of beginning; thence northwesterly along said right of way line, a distance of 51 feet to the point of beginning.
In addition thereto, all riparian and littoral rights thereunto appertaining.

Parcel No. 2: Beginning on the west shore of the Indian River at the southeast corner of Parcel No. 1, thence run southeasterly along the shore line of the Indian River to the southeast corner of property described in Deed Book 369, page 525, public records of Brevard County. Florida; thence continue westerly





along said south line of property as described in Deed Book 369, page 525, public records of Brevard County, Florida, a distance of 340 feet; thence run northerly to an iron pipe located on the south line of the property described as Parcel No. 1 above, said point being located 330 feet, more or less, measured along said south line of Parcel No. 1 from the waters of the Indian River and easterly 310 feet measured along said south line from the east right of way line of U.S. Highway No. 1; thence easterly along the south line of property described as Parcel No. 1 to the point of beginning. In addition thereto, all riparian and littoral rights thereunto appertaining.

This conveyance is made subject to an easement ten (10) feet wide, extending from the land hereinabove described to the waters of the Indian River, which was reserved in the deed executed by Edward Lawton and Marie Lawton to Delmer H. Roberts, dated March 1, 1957, and recorded in Deed Book 442, page 251, public records of Brevard County, Florida.

TOGETHER WITH all the tenements, hereditaments and appurtenance with every privilege, right, title, interest and estate, dower and right of dower, reversion, remainder and easement thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

And the said parties of the first part do covenant with the said party of the second part that they are lawfully seized of the said premises, that they are free of all encumbrances, and that they have good right and lawful authority to sell the same; and that said parties of the first part doth hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year above written.

Signed, Sealed and Delivered
in Our Presence:

G. L. Olsen

M. Woodall

L. A. Perrin (SEAL)
L. A. Perrin, individually and
as Trustee

Lenelle Perrin (SEAL)
Lenelle Perrin

STATE OF FLORIDA)
)
COUNTY OF ~~BREVARD~~ Seminole)

OFFIC. RECS 525 PAGE 976

I HEREBY CERTIFY that on this 29th day of August, 1962, before me personally appeared L. A. PERRIN, individually, and as Trustee, joined by his wife, LENELLE PERRIN, to me known to be the persons described in and who executed the foregoing instrument, and severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein mentioned.

WITNESS my signature and official seal at Chuluota, in the County and State aforesaid, the day and year last above written.

William R. Woodall II
Notary Public, State of Florida at Large.

My commission expires: July 2nd

FILED AND RECORDED
BREVARD COUNTY, FLA.
VERIFIED
1962 SEP 13 AM 11 20
317303
CLERK CIRCUIT COURT
DEPUTY CLERK

WARRANTY DEED

L. A. PERRIN, Individually and as Trustee, et ux

FLORIDA POWER & LIGHT COMPANY

RUSSELL SNOW
LLOYD CAMPBELL
ATTORNEYS AT LAW
COCOA, FLORIDA

The Tuttle Law Print, Inc., Publishers, Rutland, Vt.

RETURN TO
Snow and Campbell
Attorneys at Law
Cocoa, Florida

526 2

This Indenture,

Made this 23rd *day of* AUGUST, *A. D. 1962,*

Between RAPPE DEVELOPMENT COMPANY,
a corporation existing under the laws of the State of Florida
having its principal place of business in the County of Orange *and*
State of Florida *party of the first part, and*

FLORIDA POWER & LIGHT COMPANY, a Florida corporation, whose post office address is P. O. Box 3100, Miami,
of the County of Dade *and State of* Florida
party of the second part,

Witnesseth, *That the said party of the first part, for and in consideration of the sum of* Ten Dollars and other valuable considerations ~~XXXXXX~~ *to it in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part, and its heirs and assigns forever, all that certain parcel of land lying and being in the County of* Brevard *and State of Florida, more particularly described as follows:*

Government Lot 3, Section 19, Twp. 23 S., Range 36 E., containing forty (40) acres more or less, together with an easement over and across the North fifty (50) feet of the South two hundred eighty (280) feet of Rosevear Terrace Subdivision lying West of U. S. Highway #1, in Brevard County, Florida; ~~reserving, however, in Grantor, the North one hundred (100) feet of the North three hundred (300) feet of said Government Lot 3, said reservation also being known as the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of Section 19, Twp. 23 S., Range 36 E., Brevard County, Florida.~~

PCK
F-COL

B.A.R. B.M.

Together *with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, reversion, remainder and easement thereto belonging or in anywise appertaining:*

To Have and to Hold *the same in fee simple forever.*

And the said party of the first part doth covenant with the said party of the second part that it is lawfully seized of the said premises; that they are free of all incumbrances, and that it has good right and lawful authority to sell the same; and the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, *the said party of the first part has caused these presents to be signed in its name by its President, and its corporate seal to be affixed, attested by its* Secretary *the day and year above written.*

(Corporate Seal)

Attest: Robert E. Martinak
Secretary

RAPPE DEVELOPMENT COMPANY
By Bruno A. Rappe
Bruno A. Rappe, *President.*

Signed, Sealed and Delivered in Our Presence:

BREVARD COUNTY STATE OF FLORIDA DOCUMENTARY STAMP TAX SEP13'62 4500 COMPTROLLER P.B. 190114

BREVARD COUNTY STATE OF FLORIDA DOCUMENTARY STAMP TAX SEP13'62 9900 COMPTROLLER P.B. 190114

OFFL' RECS 870 PAGE 266 Lot 6-2, Burchfields Survey

Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

Warranty Deed

(STATUTORY FORM — SECTION 689.02 F.S.)

This Indenture, Made this 11TH day of May 19 66, **Between**
ROBERT W. BRUCE and MILDRED C. BRUCE, husband and wife,
of the County of Brevard, State of Florida, grantor*, and
FLORIDA POWER & LIGHT COMPANY, a Florida corporation,
whose post office address is P. O. Box 3100, Miami,
of the County of Dade, State of Florida, grantee*,

Witnesseth, That said grantor, for and in consideration of the sum of Ten Dollars
~~Dollars~~,
and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Brevard County, Florida, to-wit:

Begin at the concrete post at the west quarter section corner of Section 19, Township 23 South, Range 36 East, Brevard County, Florida, said post being the Northwest corner of U. S. Lot 3, said Section; thence run South 89°52'30" East on the quarter section line or North side of U. S. Lot 3 a distance of 1320.5 feet to a concrete monument which replaced old coquina post at the Northeast corner of said U. S. Lot 3 for the point of beginning of land herein described; thence for a first course, run North 36°30' East along the northwesterly line of lands formerly owned by P. D. Shuping, a distance of 307.1 feet to a concrete monument; thence for a second course, run North 25°11'25" West a distance of 16 feet to a concrete post; thence for a third course, run South 80°13'30" West parallel to the North line of Norman Carhart deed as recorded in Deed Book 194, page 124, Public Records of said county a distance of 274.6 feet to an iron pipe; thence for a fourth course, run South and parallel to the West line of Section 19, a distance of 215 feet to an iron rod on the North line of U. S. Lot 3 or the quarter section line; thence for a fifth course, run South 89°52'50" East along the North line of said U. S. Lot 3 a distance of 95.57 feet to a concrete monument at the Northeast corner of said (continued on reverse

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

* "Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.
Signed, sealed and delivered in our presence:

Louise K. Merritt — Robert W. Bruce (Seal)
Robert W. Bruce

Sheriff N. Merritt — (Seal)

Mildred C. Bruce (Seal)
Mildred C. Bruce

(Seal)

STATE OF FLORIDA
COUNTY OF BREVARD

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared ROBERT W. BRUCE and MILDRED C. BRUCE, husband and wife,

to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 11th day of May 19 66.

My commission expires: 1-1-68

Louise K. Merritt
Notary Public

BREVARD COUNTY STATE OF FLORIDA DOCUMENTARY STAMP TAX MAY 19 '66 4770 COMPTROLLER P.B. 19014

020289 UNITED STATES INTERNAL REVENUE DOCUMENTARY MAY 19 '66 P.O. METER 10224 01230

(Legal description continued) U. S. Lot 3, which is the point of beginning, containing 1 acre, more or less; together with right of way 16 feet wide described as follows: From the aforesaid point of beginning, run North 36°30' East along the northwesterly line of land formerly owned by P. D. Shuping a distance of 307.1 feet to a concrete monument for the point of beginning of said right of way; thence for a first course, run North 65°37'13" East 70.13 feet to a concrete monument on the West right of way line of new U. S. Highway No. 1; thence for a second course, run North 13°52'00" West along said right of way line 16.32 feet to a point; thence for a third course, run South 65°37'13" West 72.90 feet to a concrete monument; thence for a fourth course, run Southeasterly 16 feet more or less to the point of beginning.

This conveyance is made subject to:
(a) Taxes for 1966 and subsequent years.
(b) Zoning and/or other restrictions and prohibitions imposed by governmental authority.

FILED AND RECORDED
BREVARD COUNTY, FLA.
519346
1966 MAY 19 AM 9 57
Curtis Peterson
CLERK CIRCUIT COURT

519346

Return to
Robert B. McGregor
Attorney at Law
801 Cape Royal Office Bldg.
Cocoa Beach, Florida

Rec. Fee 3.25
Doc. Stamps 42.70
Int. Tax 16.60
Total 62.55

4809

WARRANTY DEED
SHORT FORM WITH RELINQUISHMENT

858 PAGE 333

DREW'S FORM R. E. 3½ Manufactured and for sale by The H. & W. B. Drew Company Jacksonville, Florida

This Deed, *Made the* 24th *day of* MARCH *A. D. 19* 66 *, by*

LYNN R. WHITEMAN and JULIA C. WHITEMAN, husband and wife,

of the County of Brevard *, State of* Florida *hereinafter called the grantor* s *, to* FLORIDA POWER & LIGHT COMPANY, a Florida corporation, whose post office address is P. O. Box 3100, Miami, Florida

hereinafter called the grantee .

Witnesseth, *That the said grantor* s *, in consideration of*

Ten ($10.00)--- *Dollars,*

the receipt whereof is hereby acknowledged, do give, grant, bargain, sell, alien, remise, release, enfeoff, convey and confirm unto the said grantee and its *heirs and assigns in fee simple, the lands situate in* Brevard *County, State of Florida, described as follows:*

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East; thence South on the West line of said Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to North line of said Lot 4 a distance of 549.75 feet to a concrete post on the East right-of-way line of U. S. Highway No. 1; thence Southeasterly along said East right-of-way line a distance of 266 feet (the 266 feet measured perpendicularly) to a concrete post; thence East parallel to North line of said Lot 4 a distance of 845 feet to a concrete post for point of beginning; thence South a distance of 90 feet; thence East parallel to the North line of said Lot 4 a distance of 90 feet; thence North a distance of 90 feet; thence West parallel to the North line of said Government Lot 4 a distance of 90 feet to the Point of Beginning and being in Government Lot 4, Section 19, Township 23 South, Range 36 East, together with easement for road right-of-way 20 feet wide running East and West from Indian River to said Highway and bordering said parcel on the South.

Subject to easements and restrictions imposed of record, if any, which shall not operate to re-impose the same.

Subject to taxes for the year 1966 and subsequent years.

P&K B-COL

BREVARD COUNTY STATE OF FLORIDA DOCUMENTARY STAMP TAX MAR29'66 4800 COMPTROLLER P.B. 19114

018499

UNITED STATES INTERNAL REVENUE DOCUMENTARY MAR29'66 DR METER L.O. 10224

To Have and to Hold *the same together with the hereditaments and appurtenances, unto the said grantee , and* its *heirs and assigns in fee simple.*

And *the said grantor* s *, for* themselves *and* their *heirs and legal representatives, covenant with said grantee , its heirs, legal representatives and assigns: That said grantor* s *are indefeasibly seized of said land in fee simple; that said grantor* s *have full power and lawful right to convey said lands in fee simple, as aforesaid; that it shall be lawful for said grantee , its heirs, legal representatives and assigns, at all times peaceably and quietly to enter upon, hold, occupy and enjoy said land; that said land is free from all encumbrances; that said grantor* s *, their heirs and legal representatives, will make such further assurances to perfect the fee simple title to said land in said grantee , its heirs, legal representatives and assigns, as may reasonably be required; and that said grantor* s *do hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.*

Witness *the hands and seals of said grantor* s *the day and year first above written.*

Signed, Sealed and Delivered in the Presence of:

Lynn R. Whiteman (L.S.)

Julia C. Whiteman (L.S.)

WARRANTY DEED
SHORT FORM WITH RELINQUISHMENT

DREW'S FORM R. E. 3½

Manufactured and for sale by The H. & W. B. Drew Company
Jacksonville, Florida

OR 858 Pg 327

This Deed, *Made the* 24th *day of* MARCH *A. D.* 1966 *, by*

PALMER B. CONNER and HELEN H. CONNER, husband and wife,

of the County of Orange *, State of* Florida
hereinafter called the grantor s *, to* FLORIDA POWER & LIGHT COMPANY, a Florida corporation, whose post office address is P. O. Box 3100, Miami, Florida,

hereinafter called the grantee .

Witnesseth, *That the said grantor* s *, in consideration of*

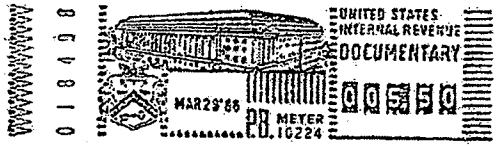
10.00 (TEN)----*Dollars,*

the receipt whereof is hereby acknowledged, do give, grant, bargain, sell, alien, remise, release, enfeoff, convey and confirm unto the said grantee and its *heirs and assigns in fee simple, the lands situate in* Brevard *County, State of Florida, described as follows:*

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, thence South on the West line of said Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to the north line of said Lot 4 a distance of 549.75 feet to a concrete post on the East right-of-way line of U. S. Highway No. 1; thence Southeasterly along said East right-of-way line a distance of 266 feet South of the last course by perpendicular measure to a concrete post; thence East parallel to the north line of said Lot 4 a distance of 695.67 feet to a concrete post for a Point of Beginning; thence South a distance of 90 feet; thence East parallel to the north line of said Lot 4 a distance of 150 feet; thence north a distance of 90 feet; thence west along a line parallel to the north line of said Government Lot 4 a distance of 150 feet to the Point of Beginning and being in Government Lot 4, Section 19, Township 23 South, Range 36 East, together with easement for road right-of-way 20 feet wide running East and West from the Indian River to said Highway and bordering said parcel on the South.

Subject to easements and restrictions imposed of record, if any, which shall not operate to reimpose the same.

Subject to taxes for the year 1966 and subsequent years.



To Have and to Hold *the same together with the hereditaments and appurtenances, unto the said grantee , and* its *heirs and assigns in fee simple.*

And *the said grantors , for* themselves *and* their *heirs and legal representatives, covenant with said grantee , its heirs, legal representatives and assigns: That said grantor* s are *indefeasibly seized of said land in fee simple; that said grantor* s have *full power and lawful right to convey said lands in fee simple, as aforesaid; that it shall be lawful for said grantee , its heirs, legal representatives and assigns, at all times peaceably and quietly to enter upon, hold, occupy and enjoy said land; that said land is free from all encumbrances; that said grantor* s *, their heirs and legal representatives, will make such further assurances to perfect the fee simple title to said land in said grantee , its heirs, legal representatives and assigns, as may reasonably be required; and that said grantor* s *do hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.*

Witness *the hands and seals of said grantor* s *the day and year first above written.*

Signed, Sealed and Delivered in the Presence of:

Palmer B. Conner (L.S.)

Helen H. Conner (L.S.)

OFFL RECS PAGE 336

WARRANTY DEED
SHORT FORM WITH RELINQUISHMENT

DREW'S FORM R. E. 3½

Manufactured and for sale by The H. & W. B. Drew Company
Jacksonville, Florida

This Deed, *Made the* 24TH *day of* MARCH *A. D. 19* 66 *by*

FRANK A. ROBINSON and his wife, GLADYS M. ROBINSON,

of the County of Brevard *, State of* Florida
hereinafter called the grantor s *, to* FLORIDA POWER & LIGHT COMPANY, a Florida corporation, whose post office address is P. O. Box 3100, Miami, Florida,

hereinafter called the grantee .

Witnesseth, *That the said grantor* s *, in consideration of*

Ten and No/100 ($10.00)------*Dollars,*

the receipt whereof is hereby acknowledged, do give, grant, bargain, sell, alien, remise, release, enfeoff, convey and confirm unto the said grantee and its *heirs and assigns in fee simple, the lands situate in* Brevard *County, State of Florida, described as follows:*

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, thence South on the West line of said Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to the north line of said Lot 4 a distance of 549.75 feet to a concrete post on the East right-of-way line of U.S. Highway No. 1; thence Southeasterly along said East right-of-way line a distance of 266 feet South of the last course by perpendicular measure to a concrete post; thence East parallel to the north line of said Lot 4 a distance of 935 feet to a point which is the Point of Beginning; thence South a distance of 90 feet; thence East parallel to the north line of said Lot 4 a distance of 143 feet, more or less, to the waters edge of the Indian River; thence North a perpendicular distance of 90 feet following the waters edge of the Indian River; thence West along a line parallel to the North line of said Government Lot 4 a distance of 123 feet, more or less, to the Point of Beginning; and being in Government Lot 4, Section 19, Township 23 South, Range 36 East; together with easement for road right-of-way 20 feet wide running East and West from the Indian River to the said Highway and bordering said parcel on the South.

Together with riparian rights.

Subject to easements and restrictions imposed of record, if any, which shall not operate to reimpose the same.

Subject to taxes for the year 1966 and subsequent years.

To Have and to Hold *the same together with the hereditaments and appurtenances, unto the said grantee , and* its *heirs and assigns in fee simple.*

And *the said grantor*s *, for* themselves *and* their *heirs and legal representatives, covenant with said grantee , its heirs, legal representatives and assigns: That said grantor* s *are indefeasibly seized of said land in fee simple; that said grantor* s *have full power and lawful right to convey said lands in fee simple, as aforesaid; that it shall be lawful for said grantee , its heirs, legal representatives and assigns, at all times peaceably and quietly to enter upon, hold, occupy and enjoy said land; that said land is free from all encumbrances; that said grantor* s *, their heirs and legal representatives, will make such further assurances to perfect the fee simple title to said land in said grantee , its heirs, legal representatives and assigns, as may reasonably be required; and that said grantor* s *do hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.*

Witness *the hand*s *and seal*s *of said grantor* s *the day and year first above written.*

Signed, Sealed and Delivered in the Presence of:

Hugh Knowles

Edward W. Carson

Frank A. Robinson (SEAL)

Gladys M. Robinson (SEAL)

State of FLORIDA
County of BREVARD

OFF. REC. S58 PAGE 337

I Hereby Certify, *That on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared*

FRANK A. ROBINSON and his wife, GLADYS H. ROBINSON,

to me known to be the persons described in and who executed the foregoing instrument and they *acknowledged before me that* they *executed the same.*

Witness *my hand and official seal in the County and State last aforesaid this* 24TH *day of* MARCH *, A. D. 1966 .*

Notary Public,
My commission expires March 24, 1968

FILED AND RECORDED
BREVARD COUNTY FLA.
VERIFIED
511866
1966 MAR 29 PM 12 04
CLERK CIRCUIT COURT

BREVARD COUNTY
STATE OF FLORIDA
DOCUMENTARY STAMP TAX
MAR29'66
6300
COMPTROLLER
P.B. 19014

J.L.C.66

DREW'S FORM R. E. 3½

Warranty Deed

SHORT FORM WITH RELINQUISHMENT

To

Date

Abstract of Description

State of Florida,
County of

On this day of A. D. 19 , at o'clock m., this instrument was filed for record, and being duly acknowledged and proven, I have recorded the same on pages in the public records of Book of said County.

In Witness Whereof, *I have hereunto set my hand and affixed the seal of the Circuit Court of the Judicial Circuit of said State, in and for said County.*

Clerk.

D. C.

(B) The L. & W. H. Drew Company, Jacksonville, Florida.

UNITED STATES INTERNAL REVENUE
DOCUMENTARY
MAR29'66
P.B. METER 10224

0 0 5 8 1 0

Return to
Robert B. McGregor
Attorney at Law
801 Cape Royal Office Bldg.
Cocoa Beach, Florida

Release
Rec Doc. 4.95
Rec Doc VT. 23.10
89.95

75 REC'D FEB 839 PAGE 941

Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

Warranty Deed (STATUTORY FORM—SECTION 689.02 F.S.)

This Indenture, Made this 5th day of January 1966, **Between** FREDERICK O. RIPPON and MILDRED RIPPON, his wife of the County of Brevard, State of Florida, grantor*, and JAMES H. SWEENY, JR. whose post office address is P. O. Box 958, Deland, Florida of the County of Volusia, State of Florida, grantee*,

Witnesseth, That said grantor, for and in consideration of the sum of TEN AND NO/100 ----------($10.00) Dollars, and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Brevard County, Florida, to-wit:

That part of Government Lot 4, Section 19, Township 23 South, Range 36 East, more particularly described as follows, to-wit: Begin at the NW corner of the aforesaid Government Lot 4; thence run S on the W line of said Government Lot 4, 323.77 ft., to a coquina post; thence S 89°35' E 549.75 ft., more or less to a concrete post set on the E side of U.S. Highway No. 1, for the point of beginning. From said point of beginning run thence S 14°45' E along the E side of said Highway 275.49 ft., to a concrete post, which post is 266 ft., S of the point of beginning by right angle measurements; thence run S 89°35' E and parallel to the N line of said Government Lot 4 and 589.77 ft., S therefrom a distance of 1,007 ft., more or less, to a concrete post; thence continue E 30 ft., more or less, to and into the waters of the Indian River; thence Northwesterly meandering the waters of the Indian River to a point distant at right angle measurements S of the N line of said Government Lot 4, 323.77 ft.; thence N 89°35' W and parallel to the N line of said Government Lot 4, 1,059.5 ft., more or less, to the point of beginning.

Subject to 1966 taxes, and mortgage recorded in Mortgage Book 209, at Page 608, Public Records of Brevard County, Florida.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

* "Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Howard B. Meadows
Paul S. Roberts

Frederick O. Rippon (Seal)
Mildred Rippon (Seal)
(Seal)
(Seal)

STATE OF FLORIDA
COUNTY OF BREVARD

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared Frederick O. Rippon and Mildred Rippon, his wife

to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 5th day of January, 1966.

My commission expires: Aug. 24, 1968.

Mary Brewer
Notary Public

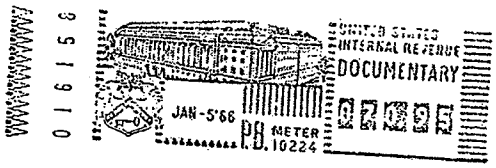
State of Floridaat Large

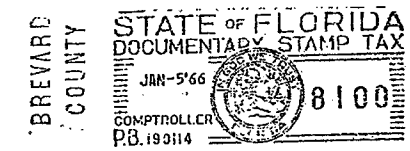
Seal

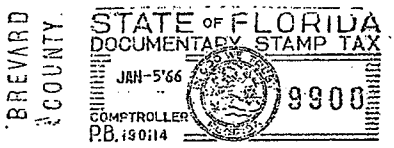
OFFICIAL RECORDS 839 PAGE 942

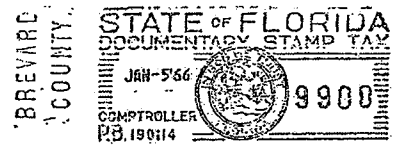
FILED AND RECORDED
BREVARD COUNTY, FLA.
VERIFIED
500197
1966 JAN 5 PM 12 26

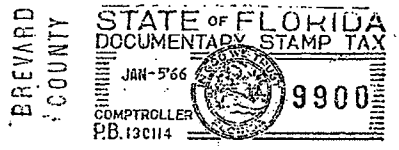
Curtis R. Barnes
CLERK CIRCUIT COURT

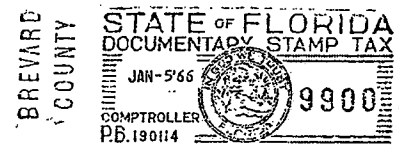


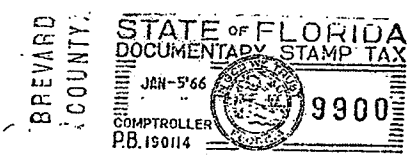


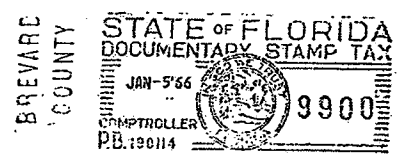












500197

RECORDING $ 3.00
FLA. DOC. STAMPS 70.75
U.S. DOC. STAMPS
TOTAL $ 73.75

RECORDING $
FLA. DOC. STAMPS
U.S. DOC. STAMPS
TOTAL $

CB 418

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR BREVARD COUNTY.

FLORIDA POWER & LIGHT COMPANY, a Florida corporation,

Petitioner,

-vs-

WILLIAM CRAMER, JR., and his wife, CATHERINE CRAMER; CONRAD W. CRAMER and his wife, RUTH D. CRAMER; CARL W. HOPPS and his wife, ALICE C. HOPPS; and AMERRA GUERRA and his wife, ELIZABETH GUERRA, et al.,

Defendants.

AT LAW

NO. 6214

FINAL JUDGMENT AS TO PARCELS 1 and 2

THIS CAUSE coming on this day to be heard upon the motion of the petitioner, FLORIDA POWER & LIGHT COMPANY, by its attorneys of record, for a final judgment of taking and appropriation in this cause, and it appearing to the Court that this cause has been regularly conducted and that the Court has jurisdiction of Parcels 1 and 2 described herein and of the parties defendant claiming title to the same; that a jury has been duly impanelled and sworn to try what compensation shall be made by the petitioner to the defendants for the real estate described as Parcels 1 and 2 sought to be taken and appropriated, and after considering the evidence as to the compensation to be allowed to the said defendants for the taking of Parcels 1 and 2, the jury of the Court did return its verdict as follows:

VERDICT OF THE JURY AS TO PARCELS 1 and 2

We, the jury, duly impanelled and sworn in the above entitled cause, do hereby find and report to the Court:

1. Parcel NO. 1, to be appropriated and taken in these proceedings is described as follows:

A tract of land situated in government lot two (2) of section nineteen (19), township twenty-three (23) south, range thirty-six (36) east, Brevard County, Florida, described as follows: From the northeast corner of the west half of the southwest quarter (SW¼) of Section nineteen (19) aforesaid, which is a point of reference, run the boundary of the Rosevear Terrace Subdivision (the plat of which is recorded in plat book 4, page 70, public records of Brevard County, Florida) north thirty-six (36) degrees, thirty (30) minutes east, a distance of three hundred seven and one-tenth (307.1) feet, and thence north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of two hundred twelve-and seven tenths (212.7) feet to a point on the east side of the right of way of State Road No. 5, also known as U. S. Highway No. 1, which is the point of beginning of the land herein described, and from the said point of beginning, continue on the north line of the Rosevear Terrace Subdivision, north sixty four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of seven hundred thirty-four and eight tenths (734.8) feet, more or less, to the west bank of the Indian River; thence run southerly in the waters edge of the Indian River, a distance of one hundred ninety two (192) feet to a stake at the northeast corner of the lands of Conrad W. and Ruth D. Cramer, described in Deed Book 345, page 314; thence run westerly on the north line of the lands of Conrad W. and Ruth D. Cramer to a point on the east line of State Road No. 5, also known as U. S. Highway No. 1, which is 115 feet from the point of beginning; thence run northerly on the east line of the right of way of State Road No. 5, a distance of one hundred fifteen (115) feet to the point of beginning. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

P&K B-oeL

2. The compensation which the petitioner shall make to the defendants, WILLIAM CRAMER, JR., and CATHERINE CRAMER, as the owners of Parcel 1 hereinabove described for the taking of the said land is as follows:

Value of the land taken	$ 33,000.00
Attorneys' fees allowed to the defendants on Parcel 1	3,300.00
Appraisals expenses	250.00
	$ 36,550.00

The defendants, WILLIAM CRAMER, JR., and CATHERINE CRAMER, are entitled to receive all of the compensation, and no other person is entitled to any part of the same.

3. The compensation to be paid by the petitioner to the defendants, WILLIAM CRAMER, Jr., and CATHERINE CRAMER, for the taking of the said Parcel 1 hereinabove described shall be in

full payment of the said land, including the costs and expenses of this action, and including the attorneys' fees to be awarded to the defendants, and that the said amount to be paid shall be in full settlement of all claims of all of the defendants in this case for the appropriation of the said land.

4. Parcel No. 2, to be appropriated and taken in these proceedings, is described as follows:

> A tract of land situated in government lot two (2) of Section nineteen (19), township twenty-three (23) south, range thirty-six (36) east, Brevard County, Florida, described as follows: From the northeast corner of the west-half (W½) of the southwest quarter (SW¼) of Section nineteen (19) aforesaid, which is a point of reference, run the boundary of the Rosevear Terrace Subdivision (the plat of which is recorded in plat book 4, page 70, public records of Brevard County, Florida) north thirty-six (36) degrees, thirty (30) minutes east, a distance of three hundred seven and one-tenth (307.1) feet, and thence north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of two hundred twelve and seventenths (212.7) feet to a point on the east side of the right of way of State Road No. 5, also known as U. S. Highway No. 1, thence run southerly on the east line of the right of way of State Road No. 5, also known as U.S. Highway No. 1, a distance of one hundred fifteen (115) feet to the southwest corner of the lands of William Cramer, Jr., and Catherine Cramer, which is the point of beginning of the land herein described; thence run easterly on the south line of the lands of William Cramer, Jr., and Catherine Cramer to a point on the west shore of the Indian River, which is one hundred ninety two (192) feet southerly, as measured along the shore of the Indian River from the northeast corner of the Rosevear Terrace Subdivision; thence run southerly in the waters edge of the Indian River, a distance of one hundred and ninety two (192) feet to the northeast corner of the lands of Worth A. Overacker and Maud I. Overacker; thence run westerly on the north line of the lands of Worth A. Overacker and Maud I. Overacker to a point on the east right of way line of State Road No. 5, which is two hundred thirty (230) feet, measured on said right of way line from the north line of Rosevear Terrace Subdivision; thence run northerly on the east line of said State Road right of way line, a distance of one hundred fifteen (115) feet to the point of beginning. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PCK 8-oeL

5. The compensation which the petitioner shall make to the defendants, CONRAD W. CRAMER and RUTH D. CRAMER, his wife, as the owners of Parcel 2 hereinabove described, for the taking of said land is as follows:

Value of the land taken	$33,000.00
Value of the building taken	21,250.00
For dismantling, moving and reinstallation costs	2,750.00
Attorneys' fees	4,500.00
Appraisers' expenses	250.00
Total..	$61,750.00

The defendants, CONRAD H. CRAMER and RUTH D. CRAMER, are entitled to receive all of the compensation, and no other person is entitled to any part of the same.

6. The compensation to be paid by the petitioner to the defendants, CONRAD H. CRAMER and RUTH D. CRAMER, for the taking of the said Parcel 2 hereinabove described, shall be in full payment of the said land, including the costs and expenses of this action, and including the attorneys' fees to be awarded to the defendants, and that the said amount to be paid shall be in full settlement of all claims of all of the defendants in this case for the appropriation of the said land, SO SAY WE ALL.

Dated at Titusville, Brevard County, Florida, this 7th day of January, 1963.

/s/ WESLEY J. Shaw
Foreman

And the Court, upon consideration of the proceedings had and upon the verdict returned as aforesaid, finds that the sum of money set forth in said verdict as compensation which the petitioner, FLORIDA POWER & LIGHT COMPANY, shall make for the taking of the real estate described as Parcels 1 and 2, constitutes and is an amount which is just compensation for the taking and appropriation thereof, and the Court being advised in the premises, upon consideration thereof;

IT IS ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

-1-

That the verdict of the jury entered in this cause be and the same is hereby ratified, confirmed and approved in all respects whatsoever.

That the land described in the verdict of the jury as Parcels 1 and 2 be appropriated to the petitioner, FLORIDA POWER & LIGHT COMPANY, in fee simple, upon the petitioner paying to the defendants, WILLIAM CRAMER, JR., and CATHERINE CRAMER, and the defendants, CONRAD W. CRAMER and RUTH D. CRAMER, respectively, the compensation found by the verdict of the jury as follows:

Compensation to be paid to the defendants, William Cramer, Jr., and Catherine Cramer

Value of the land taken	$33,000.00
Attorneys' fees allowed to the defendants on Parcel 1	3,300.00
Appraisals' expenses	250.00
	$36,550.00

Compensation to be paid to the defendants, CONRAD W. CRAMER and RUTH D. CRAMER

Value of the land taken	$33,000.00
Value of the building taken	21,250.00
For dismantling, moving and reinstallation costs	2,750.00
Attorneys' fees allowed to the defendants on Parcel 2	4,500.00
Appraisers' expenses	250.00
	$61,750.00

That the defendants, William Cramer, Jr., and Catherine Cramer, are entitled to receive all of the compensation of $36,550.00 hereby awarded to them and no other person is entitled to any part of the same; and that the defendants, Conrad W. Cramer and Ruth D. Cramer, are entitled to receive the compensation of $61,750.00 and no other person is entitled to any part of the same.

Upon payment by the petitioner to the defendants, WILLIAM CRAMER, JR., and CATHERINE CRAMER, of the total amount of $36,550.00 awarded to the said defendants, the petitioner may enter upon and appropriate the real estate of the said defendants, described as Parcel 1, and shall be vested with the title to the said real estate described as Parcel 1 to the same effect as though the petitioner held the same by deed or grant from the defendants, William Cramer, Jr., and Catherine Cramer.

Upon payment by the petitioner to the defendants,

CONRAD W. CRAMER and RUTH D. CRAMER, of the total amount of $61,750.00 awarded to the said defendants, the petitioner may enter upon and appropriate the real estate of the said defendants, described as Parcel 2, and shall be vested with the title to the said real estate described as Parcel 2 to the same effect as though the petitioner held the same by deed or grant from the defendants, Conrad W. Cramer and Ruth D. Cramer.

-4-

That this judgment be recorded in the office of the Clerk of the Circuit Court of Brevard County, Florida, as provided by Section 73.13 of the Florida Statutes.

-5-

The court reserves jurisdiction of this cause for the purpose of entering any further orders or judgments as may be required to complete and perfect the title of the petitioner to the land herein described as Parcels 1 and 2, and for the possession and use of the same.

THIS JUDGMENT entered at Titusville, Florida, on this 7th day of January, 1963.

/s/ Wm. Akridge
Circuit Judge

Filed in Open Court
7 January 1963
Curtis R. Barnes
Clerk Circuit Court
by Willie Mayfield

No. 819 47 FILED

AT 2:32 O'CLOCK P.M. RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, IN THE BOOK AND PAGE NOTED ABOVE
CURTIS R. BARNES, CLERK CIRCUIT COURT

BY C. M. Spencer
DEPUTY CLERK

STATE OF FLORIDA
COUNTY OF BREVARD
THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE IN MY OFFICE.

WITNESS MY HAND AND OFFICIAL SEAL THIS 18 DAY OF January 1963

CURTIS R. BARNES
CLERK CIRCUIT COURT

BY D. Crabtree D. C.

Commence at a point on the west line of fractional section 19, township 23 south, range 36 east, which point is 713.10 feet north of the northwest corner of the northwest quarter (NW¼) of the southwest quarter (SW¼) of said fractional Section 19; thence run north seventy-five (75) degrees, nine (9) minutes east parallel with the south line of the Delespine Grant, 1548.24 feet to a point on the east right of way of U. S. No. 1 (Dixie Highway) as presently located; thence south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east along said east right of way line 295 feet to the point of beginning; from said point of beginning, for a first course, continue south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east along said east right of way line, two hundred (200) feet; thence for a second course, run north forty-nine (49) degrees, twenty four (24) minutes, forty (40) seconds east, six hundred (600) feet, more or less, to and into the waters of the Indian River; thence return to the point of beginning; thence for a third course, run north forty-seven (47) degrees, fifteen (15) minutes, forty-two (42) seconds east, five hundred twenty eight (528) feet, more or less, to and into the waters of the Indian River; thence for a fourth course, run southeasterly along the waters of the Indian River, two hundred (200) feet, more or less, to the above described termination of said second course. All being and lying in fractional section nineteen (19), township twenty-three (23) south, range thirty-six (36) east, in Brevard County, Florida. Together with all riparian, littoral and shore rights in the Indian River to the said land appertaining.

5. The fee simple title to Parcel 3 is vested in CARL W. HOPPS and ALICE C. HOPPS, two of the defendants in this cause, and no other person has or claims any right, title or interest in and to the said Parcel 3 hereinabove described; and the said Parcel 3 is free and clear of all encumbrances except the lien for County taxes for the year 1961.

6. The petitioner has paid to the defendants, CARL W. HOPPS and ALICE C. HOPPS, the sum of FORTY FIVE THOUSAND DOLLARS ($45,000.00) as full and complete compensation for the property described as Parcel No. 3, hereinabove described, which compensation includes all costs and expenses incurred by the defendants for which the petitioner is liable, and the amount paid to the said defendants is hereby adjudged to be full compensation for the property appropriated, described as Parcel 3, computed as follows:

Form 1 Florida WARRANTY DEED. OFF. RECS 520 PAGE 335 TUTBLANX REGISTERED U.S.PAT.OFFICE Tuttle Law Print, Publishers, Rutland, Vt.

770

This Warranty Deed,

Executed this 15th *day of* September *in the year of our Lord one thousand nine hundred and* Sixty-two

By and Between ALBERT RAMOS and KATHERINE RAMOS, husband and wife, parties

of the first part, and FLORIDA POWER & LIGHT COMPANY, aocorporation organized and existing under the laws of the State of Florida, whose post office address if P. O. Box 3100, Miami, Florida,party

of the second part,

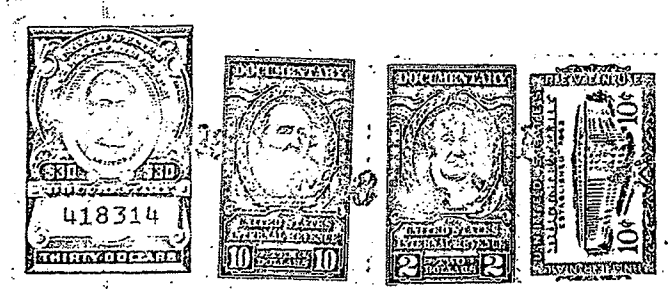
Witnesseth, *That the said part* ies *of the first part, for and in consideration of the sum of* Ten Dollars and other valuable considerations *lawful money of the United States of America, to* them *in hand paid by the said part* y *of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents,* do *give, grant, bargain, sell, alien, enfeoff, remise, release, convey and confirm unto the said part* y *of the second part, and* its successors ~~heirs~~ *and assigns, that certain property in the County of* Brevard *and State of Florida described as follows:*

A tract of land located in Section nineteen (19), township twenty-three (23) south, range thirty-six (36) east, Brevard County, Florida, described as follows:

From an iron pipe on the range line, which is 713.10 feet north of the quarter section corner on the west side of said Section nineteen (19), which is a point of reference, run north seventy-five (75) degrees, nine (9) minutes east and parallel to the south line of the Delespine Grant, a distance of 1548.24 feet to an iron pipe on the east line of the right of way of U. S. Highway No. 1 also known as Dixie Highway, as presently located, which is the point of beginning of the land herein described, and from the said point of beginning, for a first course, run south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east on the east right of way line of U. S. Highway No. 1 (which is also known as State Road No. 5), a distance of 295 feet to the northwest corner of the land conveyed to Carl W. and Alice C. Hopps by deed recorded in Book 264, page 475, Official Records of Brevard County, Florida; thence for a second course, run north forty-seven (47) degrees, sixteen (16) minutes, forty-two (42) seconds east on the north line of the land conveyed to Carl W. and Alice C. Hopps aforesaid, a distance of 528 feet, more or less, to and into the waters of the Indian River; thence return to the point of beginning, and for a third course, run north seventy-five (75) degrees, nine (9) minutes east, a distance of 449.76 feet to an iron pipe on the west bank of the Indian River, and continue the said course to and into the waters of the Indian River; and thence for a fourth course, run south thirty-six (36) degrees, fifty-eight (58) minutes east in the waters edge of the Indian River, a distance of 46.18 feet, more or less, to the eastern terminus of the second course, which is the northeast corner of the land conveyed to Carl W. and Alice C. Hopps as aforesaid.

Together with the riparian and littoral rights and the submerged lands in Indian River appertaining to said property.

DOCUMENTARY 25 STAMP 25 1962



BREVARD COUNTY, STATE OF FLORIDA DOCUMENTARY STAMP TAX SEP 18'62 7700 COMPTROLLER P.B. 190114

Together *with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof;* **AND ALSO** *all the estate, right, title, interest, homestead, dower and right of dower, separate estate, property, possession, claim and demand whatsoever, at law and in equity, either and both, of the said part ies of the first part, of, in, and to the same, and every part and parcel thereof;*

To Have and to Hold *the above described premises, each and every, unto the said part of the second part,* its successors ~~heirs~~ *and assigns, in fee simple, absolute, indefeasibly, forever.*

And the said part ies of the first part, for them *and* their *heirs, executors and administrators, jointly and severally, covenant, promise and agree to and with the said party of the second part,* its successors ~~heirs~~, *executors, administrators and assigns, that the said part ies of the first part, at the time of the sealing and delivery of these presents,* are *lawfully seized in fee simple of a good, absolute and indefeasible estate of inheritance of and in all and singular the above described premises, each and every, and* have *good right, full power and lawful authority to convey the same in manner and form aforesaid; that the said part y of the second part,* its successors ~~heirs~~ *and assigns, shall and may, at all times hereafter, peaceably and quietly have, hold, use, occupy, possess and enjoy the above described premises, and every part and parcel thereof, without any let, suit, trouble, molestation, eviction or disturbance of the said part ies of the first part,* their *heirs or assigns, or of any other person or persons lawfully claiming or to claim the same; that the same, all and singular, are free, clear, discharged and unincumbered of and from all former and other titles, clouds and incumbrances of what nature and kind soever; that the said part iesof the first part* their *heirs, executors and administrators, each and every, shall make, execute and acknowledge such further and other deeds and assurances as by counsel learned in the law may be considered reasonably proper to effectuate the full intent and meaning of this instrument.*

And the said part ies of the first part for and heirs, the above described premises, and every part and parcel thereof, unto the said party of the second part, its successors ~~heirs~~ *and assigns, against the said part ies of the first part and* their *heirs, and against all and every person or persons whomsoever lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.*

This alienation is with the joint consent of husband and wife, where that relation exists.

In Witness Whereof, *the said part ies of the first part* have *hereunto set* their *hand s and seal s each in the presence of two subscribing witnesses.*

Signed, Sealed and Delivered in Presence of us;

Lloyd Campbell

George A. King

Albert Ramos (L.S.)

Albert Ramos

Katherine Ramos (L.S.)

Katherine Ramos

OFFL' RECS 526 PAGE 957

State of Florida

County of BREVARD

I HEREBY CERTIFY *That on this* 15th *day of* September *A. D. 19* 62 *, before me personally appeared* ALBERT RAMOS and KATHERINE RAMOS, husband and wife,

to me well known and known to me to be the individual s *described in and who executed the foregoing conveyance to* FLORIDA POWER & LIGHT COMPANY

and severally acknowledged the execution thereof to be their *free act and deed for the uses and purposes therein mentioned; and the said*

of the said the wife on a separate and private examination taken and made by and before me, and separately and apart from her said husband, did acknowledge that she made herself a party to the said deed of conveyance for the purpose of renouncing, relinquishing and conveying all her right, title and interest, whether of dower or of separate property, statutory or equitable, in and to the lands therein described, and that she executed said deed freely and voluntarily and without any constraint, fear, apprehension or compulsion of or from her said husband.

WITNESS *my signature and official seal at* Cocoa *in the County of* Brevard *and State of* Florida *the day and year last aforesaid.*

Floyd Campbell
Notary Public, State of Florida
My Commission expires May 20, 1966

State of Florida

County of FLORIDA

I, an officer authorized to take acknowledgments of deeds, **HEREBY CERTIFY,** *that* ALBERT RAMOS and KATHERINE RAMOS, husband and wife

personally known to me to be the individuals described in and who executed the foregoing instrument, and that said individuals this day acknowledged before me that they *executed said instrument.*

WITNESS *my hand and official seal, this* day of September *A. D. 19* 62, *at* Cocoa *in said County and State.*

(Seal)

*My Commission Expires*_____

Notary Public, State of Florida at Large.

FILED AND RECORDED
BREVARD COUNTY, FLA.
VERIFIED

1962 SEP 18 AM 10 08

317831

Clerk Circuit Court
BY Deputy Clerk

WARRANTY DEED

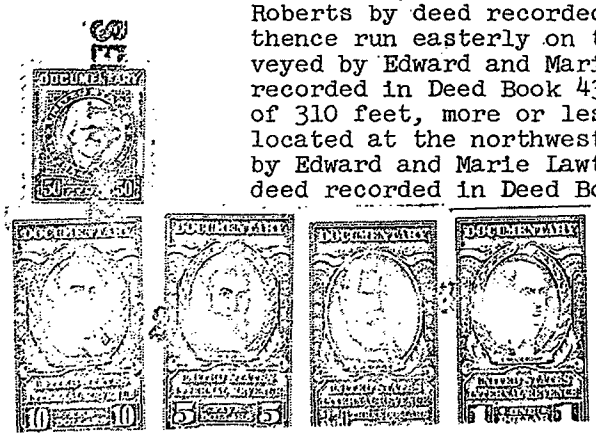
OFFI' RECS 525 PAGE 663

THIS INDENTURE made this 11th day of September, 1962, by and between EDWARD LAWTON and MARIE LAWTON, husband and wife, of Kittery Point, York County, Maine, parties of the first part, and FLORIDA POWER & LIGHT COMPANY, a corporation existing under the laws of the State of Florida, and having its principal place of business in Miami, Dade County, Florida, party of the second part,

W I T N E S S E T H:

That the said parties of the first part, for and in consideration of the sum of Ten Dollars ($10.00) and other valuable consideration, to them in hand paid, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said party of the second part, its successors and assigns forever, all that certain parcel of land lying and being in the County of Brevard and State of Florida, more particularly described as follows:

From the Coquina monument at the northeast corner of U. S. Government Lot 3, being the northeast corner of the west-half ($W\frac{1}{2}$) of the southwest quarter ($SW\frac{1}{4}$) of fractional Section nineteen (19), township twenty-three (23) south, range thirty-six (36) east, Brevard County, Florida, run the northwesterly line of the Rosevear Terrace Subdivision (according to the plat of said subdivision recorded in plat book 4, page 70, and re-platted according to plat recorded in plat book 8, page 40, public records of Brevard County, Florida), on a course of north thirty-six (36) degrees, thirty (30) minutes east, a distance of 307.1 feet to an iron pipe; thence run the northerly line of the said Rosevear Terrace Subdivision, being the northerly line of P. D. Shuping's land, on a course of north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of 212.7 feet to a concrete post on the east side of the right of way of U. S. Highway No. 1, which point is the point of beginning of the land herein described; from the said point of beginning, run north fourteen (14) degrees, thirty-six (36) minutes west on the east side of the right of way of U. S. Highway No. 1, a distance of one hundred (100) feet, more or less, to the south line of the land conveyed by Edward and Marie Lawton to Delmer H. Roberts by deed recorded in Deed Book 437, page 232; thence run easterly on the south line of the land conveyed by Edward and Marie Lawton to Delmer H. Roberts, recorded in Deed Book 437, page 232 aforesaid, a distance of 310 feet, more or less, to an iron pipe in a ditch located at the northwest corner of the lands conveyed by Edward and Marie Lawton to Delmer H. Roberts by deed recorded in Deed Book 442, page 251; thence run



BREVARD COUNTY: STATE OF FLORIDA DOCUMENTARY STAMP TAX SEP 12'62 COMPTROLLER P.B. 190114 3600

southerly on the west line of the lands conveyed to Delmer H. Roberts in Deed Book 242, page 251, a distance of 100 feet, more or less, to the north line of the Rosevear Terrace Subdivision aforesaid; and thence run south sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds west on the north line of the Rosevear Terrace Subdivision aforesaid, a distance of 394.8 feet, more or less, to the point of beginning.

OFFI' RECS 525 PAGE 664

ALSO, all of the right, title and interest of the parties of the first part in and to the easement ten (10) feet wide, extending from the land hereinabove described to the waters of the Indian River, which was reserved in the deed executed by them to Delmer H. Roberts, dated March 1, 1957, and recorded in Deed Book 442, page 251, public records of Brevard County, Florida.

TOGETHER with all the tenements, hereditaments and appurtenances with every privilege, right, title, interest and estate, dower and right of dower, reversion, remainder and easement thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

And the said parties of the first part do covenant with the said party of the second part that they are lawfully seized of the said premises, that they are free of all encumbrances, and that they have good right and lawful authority to sell the same; and that said parties of the first part doth hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year above written.

Signed, Sealed and Delivered
in Our Presence:

Paul S. Roberts

George A. Young

Edward Lawton (SEAL)
Edward Lawton

Marie Lawton (SEAL)
Marie Lawton

STATE OF FLORIDA }
COUNTY OF BREVARD }

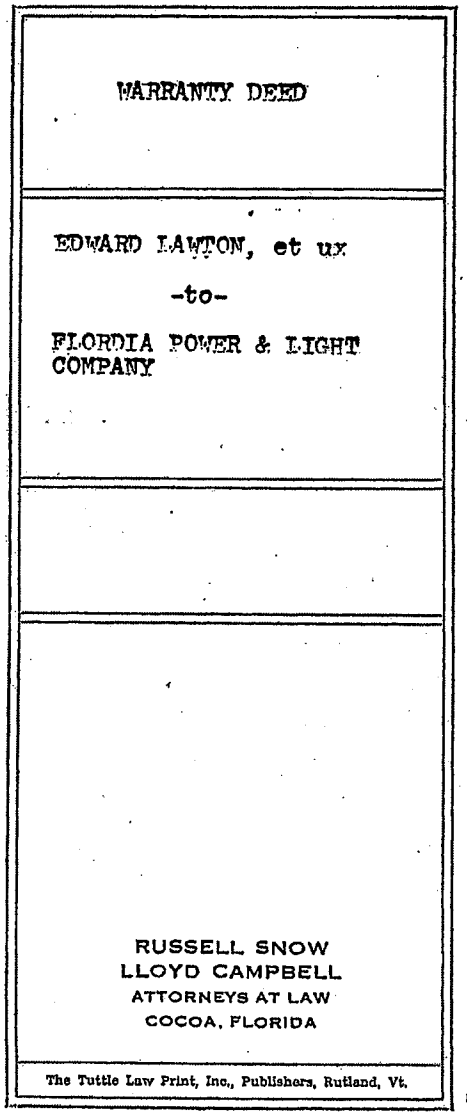
I HEREBY CERTIFY that on this 12th day of September, 1962, before me personally appeared EDWARD LAWTON and MARIE LAWTON, husband and wife, to me known to be the persons described in and who executed the foregoing instrument, and severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein mentioned.

WITNESS my signature and official seal at Cocoa, County of Brevard and State of Florida, the day and year last aforesaid.

FILED AND RECORDED
BREVARD COUNTY, FLA.
VERIFIED
317140
1962 SEP 12 AM 11 55

Marjorie M. Brown
Notary Public, State of Florida
at Large

My commission expires: July 12, 1966



RETURN TO
Snow and Campbell
Attorneys at Law
Cocoa, Florida

2001

WARRANTY DEED

THIS INDENTURE, Made this 11th day of September, A. D., 1962, Between WORTH A. OVERACKER and MAUD I. OVERACKER, husband and wife, of the County of Brevard, in the State of Florida, parties of the first part, and FLORIDA POWER & LIGHT COMPANY, a corporation existing under the laws of the State of Florida, and having its principal office in the city of Miami, Dade County, Florida, party of the second part.

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of Ten Dollars and other good and valuable considerations, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said party of the second part and its successors and assigns forever, the following described land, situate, lying and being in the County of Brevard, State of Florida, to-wit:

PARCEL 1: Begin at an iron pipe on the East right of way line of U. S. Highway No. 1, which iron pipe is the corner of Shuping and Cramer lands, for POINT OF BEGINNING; thence Eastward along Shuping and Cramer line to an iron pipe set on the high water mark of the Indian River; thence Southeasterly along the high water mark of the Indian River, a distance of 384 feet to an iron pipe; thence Westerly to the East right of way line of U. S. Highway No. 1 to a point, which point is 230 feet from point of beginning, measured along the East right of way line of U. S. Highway No. 1; thence Northwesterly along said right of way line to point of beginning, being part of Rosevear Terrace as per Plat recorded in Plat Book 4, page 70, of the public records of Brevard County, Florida, in Section 19, Township 23 South, Range 36 East, together with all riparian, littoral and shore rights thereunto belonging or in any wise appertaining.

PARCEL 2: Begin at an iron pipe at a point on the East right of way line of U. S. Highway No. 1, which point is 230 feet Southeasterly from Shuping-Cramer corner post, for POINT OF BEGINNING; thence Easterly along the Southerly line of Warren A. Shuping and Catherine J. Shuping, to an iron pipe set on the high water mark of the Indian River (which iron pipe is 384 feet Southeasterly from an iron pipe set on the Indian River, which iron pipe marks corner of Shuping-Cramer land); thence along the high water mark of the Indian River, a distance of 369.30 feet to an iron pipe which marks the corner of Shuping-Nash land; thence Westerly to a concrete post set on the East right of way line of U.S. Highway No. 1, which post is corner of Shuping-Nash land, which point is 231 feet measured along said right of way line from point of beginning; thence along the East right of way line of U. S. Highway No. 1 to point of beginning, being part of land in Rosevear Terrace as per Plat Book 4, page 70, of the public records of Brevard County, Florida, in Section 19, Township 23 South, Range 36 East. Together with all and singular

STATE OF FLORIDA DOCUMENTARY STAMP TAX SEP12'62 COMPTROLLER DR 190114 200

BREVARD COUNTY

$100 447105 ONE HUNDRED DOLLARS

DOCUMENTARY 10

BREVARD COUNTY STATE OF FLORIDA DOCUMENTARY STAMP TAX SEP12'62 COMPTROLLER DR 190114 9900

BREVARD COUNTY STATE OF FLORIDA DOCUMENTARY STAMP TAX SEP12'62 COMPTROLLER DR 190114 9900

the rights, numbers, privileges, hereditaments, and appurtenances to the same belonging to or in any wise appertaining, and riparian, littoral and shore rights thereunto belonging or in any wise pertaining.

The land above described as PARCEL 1 and PARCEL 2, being otherwise described as:

All that certain tract or parcel of land situate, lying and being in Government Lots 2 and 4, of Section 19, Township 23 South, Range 36 East, in Brevard County, Florida, and being more particularly described as follows:

Beginning at a concrete monument on the Easterly right of way line of U. S. Highway No. 1 (State Road No. 5), as presently located, 318.12 feet South of the North line of said Government Lot 4, (said concrete monument is South 40° East 46.4 feet from the center of a concrete culvert under said U. S. Highway No. 1); thence, run South 89° 59' 40" East, 1040 feet along the South line of Rosevear Terrace, according to plat of said subdivision recorded in Plat Book 4, page 70, of the public records of Brevard County, Florida, to a concrete monument set on the West bank of the Indian River, (an 8 inch palm bears South 58° West 42 feet; a gum tree (7 inches) bears North 47° West 53.5 feet), and thence continue on the same course to and into the waters of the Indian River; thence run Northwesterly, meandering the waters edge of the Indian River, a distance of 753 feet to an iron pipe set at the Southeast corner of the lands of Conrad W. Cramer and Ruth D. Cramer, husband and wife, as described in Deed Book 345, page 314, public records of Brevard County, Florida; thence run South 75° 14' 20" West along the South line of said lands of Conrad W. Cramer and Ruth D. Cramer, as described in Deed Book 345, page 314, a distance of 824 feet to an iron pipe set on the Easterly right of way line of U.S. Highway No. 1 (State Road No. 5) as presently located; thence go South 15° 14' 40" East along the Easterly right of way line of said U. S. Highway No. 1 (State Road No. 5) as presently located, a distance of 461 feet to the concrete monument set at the point of beginning, and containing 12.45 acres, be the same more or less, together with all riparian, littoral and shore rights thereunto belonging or in anywise pertaining,

D/C

Subject to taxes for 1962 and subsequent years and zoning and building restrictions and regulations affecting said property.

TOGETHER with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, dower and right of dower, reversion, remainder and easement thereto belonging or in anywise appertaining;

TO HAVE AND TO HOLD the same in fee simple forever.

And the said parties of the first part do covenant with the said party of the second part that they lawfully seized of the said premises, that they are free of all incumbrance, and that they have good right and lawful authority to sell the same; and that said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year above written.

Signed, Sealed and Delivered
in Our Presence:

Worth A. Overacker (SEAL)
Worth A. Overacker

Maud I. Overacker (SEAL)
Maud I. Overacker

STATE OF FLORIDA

COUNTY OF BREVARD

I HEREBY CERTIFY, That on this 11th day of September, A. D. 1962, before me personally appeared WORTH A. OVERACKER and MAUD I. OVERACKER, husband and wife as tenants by the entirety, to me known to be the persons described in and who executed the foregoing conveyance to FLORIDA POWER & LIGHT COMPANY, a corporation, and severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein mentioned.

WITNESS my signature and official seal at Cocoa, in the County of Brevard and State of Florida, the day and year last aforesaid.

Notary Public

My Commission expires: 2/7/66

FILED AND RECORDED
BREVARD COUNTY, FLA.
VERIFIED
317142
1962 SEP 12 AM 11 57

Form 1125 Florida WARRANTY DEED. (To Corporation)

RECS 020 PAGE 020

5207-A

TUTBLANX REGISTERED U.S. PAT. OFFICE
Tuttle Law Print, Publishers, Rutland, Vt.

This Indenture,

5880

Made this 11th *day of* September *A. D. 19* 62

Between FREDERICK O. RIPPON and MILDRED M. RIPPON, husband and wife

of the County of Brevard *and State of* Florida *parties of the first part, and* FLORIDA POWER & LIGHT COMPANY

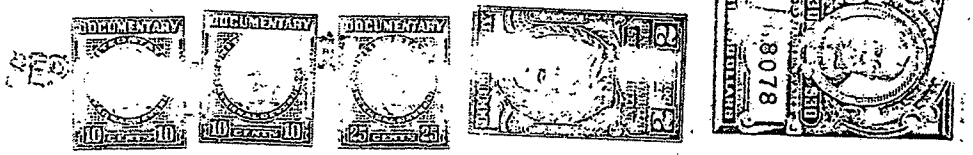
a corporation existing under the laws of the State of Florida *having its principal place of business in the County of* Dade *and State of* Florida *party of the second part,* whose post office address is P. O. Box 3100, Miami, Florida.

Witnesseth, *that the said parties of the first part, for and in consideration of the sum of* Ten Dollars ($10.00) - - - - - - - - - - - - - - - *Dollars, to them in hand paid, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, remised, released, enfeoffed, conveyed and confirmed and by these presents do grant, bargain, sell, alien, remise, release, enfeoff, convey and confirm unto the said party of the second part and its successors and assigns forever, all that certain parcel of land lying and being in the County of* Brevard *and State of Florida, more particularly described as follows:*

The North One hundred eighty (180) feet of the South two hundred thirty (230) feet of that part of Rosevear Terrace Subdivision lying west of the west right of way line of New U. S. No. 1 Highway, said plat of Rosevear Terrace Subdivision being recorded in Plat Book 8, page 40, public records of Brevard County, Florida.

This conveyance is made subject to taxes for 1962 and subsequent years, restrictions and easements of record affecting the property, if any, however this reference to said restrictions and easements shall not operate to reimpose the same and zoning and/or other restrictions and prohibitions imposed by governmental authority.

The parties of the first part reserve for themselves and their heirs, and assigns, a permanent easement for road purposes over and on the South fifteen feet of the above described property.



Together *with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, dower and right of dower, reversion, remainder and easement thereto belonging or in anywise appertaining:*

To Have and to Hold *the same in fee simple forever.*

And the said parties of the first part do covenant with the said party of the second part that they are *lawfully seized of the said premises, that they are free of all incumbrance, and that* they have *good right and lawful authority to sell the same; and that said part of the first part doth hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.*

In Witness Whereof, *the said parties of the first part have hereunto set* their *hands and seals the day and year above written.*

Signed, Sealed and Delivered in Our Presence:

Frederick O. Rippon

Mildred M. Rippon

BREVARD COUNTY STATE OF FLORIDA DOCUMENTARY STAMP TAX SEP 17 '62 COMPTROLLER 5880

OFFI RECS 526 PAGE 621

State of Florida,

County of BREVARD

I HEREBY CERTIFY, *That on this* 13th *day of* September *A. D. 19* 62, *before me personally appeared* Frederick O. Rippon and Mildred M. Rippon, husband and wife

to me known to be the persons described in and who executed the foregoing conveyance to Florida Power & Light Company, a Florida corporation

and severally acknowledged the execution thereof to be their *free act and deed for the uses and purposes therein mentioned.*

WITNESS *my signature and official seal at* Cocoa *in the County of* Brevard *and State of Florida, the day and year last aforesaid.*

My Commission Expires 2/7/66 *Notary Public*

FILED AND RECORDED
BREVARD COUNTY, FLA.
VERIFIED
317655
1962 SEP 17 AM 10 48

Clerk Circuit Court
By Deputy Clerk

Warranty Deed

TO CORPORATION

TO

Date

ABSTRACT OF DESCRIPTION

BREVARD COUNTY

LAW OFFICES
GRIGGS AND MEADOWS
313 DELANNOY AVENUE
P. O. BOX 1109

RETURN TO
Snow and Campbell
Attorneys at Law
Cocoa, Florida

317655

Warranty Deed

This Indenture, *Made this* 7th *day of* September *, A.D. 1962*

BETWEEN CHARLES HERMAN and ERMA EILEEN HERMAN, his wife

125 c/

of the County of Brevard *, in the State of Florida, part* ies *of the first part, and* FLORIDA POWER & LIGHT COMPANY, a corporation existing under the laws of the State of Florida, having its principal office and post office address at P. O. Box 3100, Miami,

of the County of Dade *, in the State of Florida, part* y *of the second part.*

WITNESSETH, That the said part ies *of the first part, for and in consideration of the sum of* Ten Dollars and other valuable consideration----------*Dollars, to* them *in hand paid by the part* y *of the second part, the receipt whereof is hereby acknowledged,* have *granted, bargained and sold to the said part* y *of the second part,* its *heirs and assigns, forever the following described land, situate, lying and being in the County of* Brevard *and State of Florida, to-wit:* Commencing at a concrete monument which is the southwest corner of Government Lot two (2), section nineteen (19), township twenty-three (23) south, range thirty-six (36) east; thence run north along the west section line of said section nineteen (19), a distance of three hundred forty-nine and sixty-three hundredths (349.63) feet to an iron pipe; thence north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east, a distance of one thousand five hundred seventy-nine and fifty hundredths (1579.50) feet to a concrete monument on the west right of way line of U. S. Highway No. 1; thence continuing north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east a distance of sixty-six and twenty-three hundredths (66.23) feet across U. S. Highway No. 1 to a concrete monument on the east right of way of said U. S. Highway No. 1 and the point of beginning of the lands herein described; thence north forty-nine (49) degrees, seven (7) minutes, twenty (20) seconds east six hundred eight and seventy-eight hundredths (608.78) feet to an iron pipe on the shore of the Indian River; thence southeasterly along the shore line of the Indian River two hundred ninety-nine and five hundredths (299.05) feet to an iron pipe; thence south sixty-three (63) degrees, twenty (20) minutes, twenty-five (25) seconds west, six hundred sixty-three and ninety-five hundredths (663.95) feet to a concrete monument on the east right of way line of U. S. Highway No. 1; thence north fourteen (14) degrees, twenty-four (24) minutes, forty (40) seconds west, one hundred fifty (150) feet to a concrete monument and the point of beginning. TOGETHER with all riparian rights thereunto appertaining.

Subject to taxes for 1962 and subsequent years.

And the said part ies *of the first part do hereby fully warrant title to said land, and will defend the same against the lawful claims of all persons whomsoever.*

IN WITNESS WHEREOF, the said part ies *of the first part* have *hereunto set* their *hand* s *and seal* s *the day and year above written.*

Signed, sealed and delivered in presence of us:

Charles Herman (Seal)

Erma Eileen Herman (Seal)

OFFY REGS 524 PAGE 947

State of Florida,
County of Brevard

I Hereby Certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, CHARLES HERMAN and ERMA EILEEN HERMAN, his wife

to me well known to be the persons described in and who executed the foregoing deed, and acknowledged before me that they executed the same freely and voluntarily for the purpose therein expressed.

Witness my hand and official seal at Titusville
County of Brevard and State of Florida, this 7th
day of September A.D. 1962.

My commission expires:
April 20, 1966

Hazel Dovenbarger
Notary Public, State of Florida,
at large

Notary Public, State of Florida at Large
My Commission Expires April 20, 1966
Bonded By American Fire & Casualty Co.

FILED AND RECORDED
BREVARD COUNTY, FLA.
VERIFIED
316780
1962 SEP 10 PM 12 29
CLERK CIRCUIT COURT
BY DEPUTY CLERK

Filed
To
From

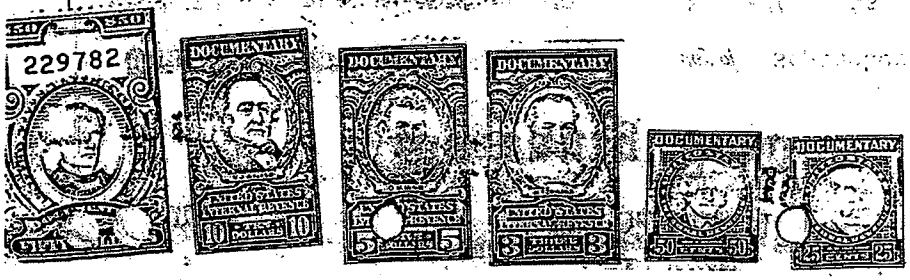
RAMCO'S FORM 8

BREVARD COUNTY
STATE OF FLORIDA
DOCUMENTARY STAMP TAX
SEP10'62
COMPTROLLER
P.B. 190114
2600

BREVARD COUNTY
STATE OF FLORIDA
DOCUMENTARY STAMP TAX
SEP10'62
COMPTROLLER
P.B. 190114
9900

316780

RETURN TO
Snow and Campbell
Attorneys at Law



Florida Power & Light Company, P.O. Box 2851, Daytona Beach, FL 32120-2851

March 9, 1999

Mrs. Bonnie Wilson
Department of Environmental Protection
Marjory Stoneman Douglas Building
Mail Station No. 125
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

Subject: BOT Lease No. 050024374
Lessee: Florida Power & Light Company

Dear Mrs. Wilson:

Enclosed please find a recorded copy of the subject lease as per your request. The document has been recorded in the Public Records of Brevard County at Official Records Book 3976, Pages 2992 through 3009.

Should you have any questions, please do not hesitate to contact me at (904) 257-7182.

Very Truly Yours,

Florida Power & Light Company

Meier G Wise
North Area Real Estate Manager

Enclosure

Cc: Dick Verduin

50-YEAR LEASE

In compliance with Chap. 28922, Laws of Florida, 1953, as amended, the Canaveral Port Authority, a Florida corporation, did advertise in the Cocoa Tribune, a newspaper of general circulation published within the Canaveral Port District, Brevard County, Florida, for fifteen (15) days by three (3) consecutive weekly publications, to-wit: June 24, 1963, July 1 and 8, 1963 therein stating the terms, the amount to be paid and particularly describing the land to be leased for the period of fifty (50) years; and no petition by the freeholders of the said Canaveral Port District has been filed and more than ten (10) days have transpired after said advertisement was published. Therefore and thereupon, the Canaveral Port Authority, a Florida corporation, is authorized and empowered by the freeholders of the Canaveral Port District, aforesaid, to make this Lease for the term of fifty (50) years.

This Lease made this 24th day of July, 1963, by and between the CANAVERAL PORT AUTHORITY, a Florida corporation, having its principal office at Port Canaveral, Florida, hereinafter called the Lessor, and the FLORIDA POWER & LIGHT COMPANY, a Florida corporation, having its principal office in Miami, Florida, hereinafter called the Lessee,

W I T N E S S E T H:

1. That in consideration of the covenants herein contained on the part of the Lessee to be kept and performed, the Lessor does hereby lease and remise to the Lessee for the term of fifty (50) years from the date hereof, the following described premises lying and being in Brevard County, Florida, to-wit:

Parcel No. 1 (Tank Farm Site)

A tract of land lying in the South half of Section 10 and the North half of Section 15, Township 24 South, Range 37 East, Brevard County, Florida, more particularly described as follows: Commencing at the Northeast corner of said Section 15; thence South 00° 17' 00" East on the East line of said Section 15, a distance of 233.90 feet; thence South 89° 53' 00" West a distance of 1,914 feet, more or less, to the actual point of beginning of the tract to be described, said point being 50.00 feet West of the center line of an existing North-South road and 100 feet North of the center line of an existing East-West road known as State Road No. 401; thence North 00° 07' 00" West a distance of 525 feet; thence South 89° 53' 00" West a distance of 830 feet; thence South 00° 07' 00" East a distance of 525 feet; thence North 89° 53' 00" East a distance of 830 feet to the point of beginning. Containing 10.0 acres, more or less.

Parcel No. 2 (Barge Dock Site)

A tract of land lying in the Southeast quarter of Section 9, Township 24 South, Range 37 East, Brevard County, Florida, more particularly described as follows: Commencing at the Southeast corner of Section 10, Township 24 South, Range 37 East; thence North 00° 17' 00" West along the East line of said Section 10 a distance of 1,061.14 feet; thence South 89° 53' 00" West a distance of 5,705.05 feet to the actual point of beginning of the tract to be described; thence continue South 89° 53' 00" West a distance of 400.00 feet; thence South 00° 07' 00" East a distance of 100.00 feet; thence North 89° 53' 00" East a distance of 400.00 feet; thence North 00° 07' 00" West a distance of 100.00 feet to the point of beginning; Containing 0.92 acres, more or less.

Parcel No. 2 Alternate (Barge Dock Site)

A tract of land lying in the Southwest quarter of Section 10, Township 24 South, Range 37 East, Brevard County, Florida, more particularly described as follows: Commencing at the Southeast corner of said Section 10; thence North 00° 17' 00" West along the East line of said Section 10 a distance of 1,061.14 feet; thence South 89° 53' 00" West a distance of 4,305.05 feet to the actual point of beginning of the tract to be described; thence continue South 89° 53' 00" West a distance of 400.00 feet; thence South 00° 07' 00" East a distance of 100.00 feet; thence North 89° 53' 00" East a distance of 400.00 feet; thence North 00° 07' 00" West a distance of 100 feet to the point of beginning. Containing 0.92 acres, more or less.

Parcel No. 3 (Barge Dock Site)

A tract of land lying in the Southeast quarter of Section 10, Township 24 South, Range 37 East, Brevard County, Florida, and more particularly lying East of an existing North-South road known as the Fisheries Area Road and South of the pier line (range 475) said pier line having a bearing of South 89° 53' 00" West and located 1,061.14 feet North of the Southeast corner of said Section 10. Dimensions of the tract shall be 400.00 feet in the East-West direction by an unspecified depth not to exceed 109.00 feet. The exact location shall be within a reasonably economical pumping distance of the tank farm site (Parcel No. 1).

Parcel No. 4 (Pipeline Easement)

A 15.00 foot wide pipeline easement, located on the West side of an existing North-South road known as the Fisheries Area Road, and running parallel thereto. The West line of the easement is located 50.00 feet West of the center line of said Fisheries Area Road. The Southern terminus of the easement is the South line of Parcel No. 1, hereinabove described, and the Northern terminus is 35.00 feet North of the East-West leg of the Fisheries Area Road. Length of the 15.00 foot wide strip thus described is 1,176.00 feet, more or less.

Parcel No. 5 (Pipeline Easement)

A 15.00 foot wide easement, located on the South side of an existing East-West road and the Easterly projection of said road and running parallel thereto. The South line of the easement is located 50.00 feet South of the center line of said road. The Eastern terminus of the easement is Station 238 plus 65, more or less, and the Western terminus is Station 252 plus 10.00, more or less. Length of the 15.00 foot wide easement thus described is 1,345 feet, more or less.

Parcel No. 6 (Pipeline Easement)

A 15.00 foot wide pipeline easement, running in a North-South direction from the Eastern terminus of Parcel No. 5 to range 485. Length of the easement thus described is 190.00 feet.

Parcel No. 7 (Pipeline Easement)

A 15.00 foot wide pipeline easement, running in a North-South direction and being perpendicular to Parcel No. 5 hereinabove described. The Southern terminus is the North line of said Parcel No. 5 and the Northern terminus is the South line of Parcel No. 3, hereinabove described.

Parcel No. 8 (Pipeline Easement)

A 15.00 foot wide pipeline easement, located on the South side of an existing East-West road known as the Fisheries

Area Road, and running parallel thereto. The South line of the easement is located 50.00 feet South of the center line of said road. The Eastern terminus of the easement is Station 252 plus 10.00, more or less, and the Western terminus is Station 269 plus 00, more or less.

Parcel No. 9 (Pipeline Easement)
A 15.00 foot wide pipeline easement whose Eastern terminus is Station 270 plus 50; run Westerly to Station 276 plus 16.05 parallel to and 50.00 feet South of the center line extended of the Fisheries Area East-West road. Thence run Northerly to the South line of Parcel No. 2 Alternate, a distance of 94 feet, more or less.

Parcel No. 10 (Pipeline Easement)
A 15.00 foot wide pipeline easement running on the South side of an existing road easement. From the Eastern terminus at Station 270 plus 50, and range 684, run Southwesterly and then westerly to Station 290 plus 16.05. Thence run Northerly, at right angles, a distance of 700 feet, more or less, to the South line of Parcel No. 2.

If Parcel No. 2 Alternate is selected then Parcel No. 2 and Parcel No. 10 will be released by the Lessee and if Parcel No. 2 is selected then Parcel No. 2 Alternate and Parcel No. 9 will be released by the Lessee. When the navigation locks are placed in operation and Lessee has full ingress to and egress from and use of Parcel No. 3 then Parcel No. 2, Parcel No. 2 Alternate, Parcel No. 8, Parcel No. 9 and Parcel No. 10 will all be released by the Lessee.

2. The Lessor grants to the Lessee an easement and franchise to construct, maintain and use such pipelines and appurtenances thereto on said pipeline easements as from time to time during the term of this lease may be necessary or convenient to convey petroleum fluids from shipside at Port Canaveral to Lessee's tank farm and wharves constructed, maintained and operated by Lessee at terminals on the south shore of the Barge Canal. Said tank farm may consist of any number of storage tanks of any storage capacity, which may be constructed and operated by the Lessee. The Lessee agrees to construct all facilities including roads and utilities as needed by Lessee to carry out the operations intended under this lease. The Lessor is not obligated to construct any facilities but will authorize the construction of same by a permit or license issued to the Lessee to connect to Lessor's facilities that are in existence at the time this lease is executed.

The Lessee shall use said leased premises for the purpose of a fuel supply terminal and for the other public utility operations of the Lessee, including operations necessary in connection with the construction, operation, repair, enlargement and maintenance of a fuel supply terminal. It is agreed that while fuel oil will be initially handled and stored in the terminal, the leased premises may be used for the handling and storage of fuel or commodities of any type or character now known or hereafter discovered and used in the generation of electricity. Lessee is to construct, reconstruct, change, remove, alter, replace, enlarge or make additions to any and all parts thereof, as Lessee in its own discretion, risk and expense may determine. Lessee agrees that all such construction, reconstruction, changes, alterations, removals, replacements, enlargements, additions, repairs, operations, maintenance and all other work or improvements made by Lessee under this lease shall be in accordance with established practice with respect to the work being done and the improvements being made or the action being taken by Lessee; and dock facilities to be constructed on said barge dock sites shall be subject to Lessor's approval before construction as to navigational and traffic movement considerations.

3. It is agreed that such pipelines and appurtenances shall be initially constructed belowground in such manner as will meet and permit the passage of heavy vehicles over and across the same at a point or points selected by the Lessor, and also in such manner as will meet the requirements of law and the minimum standards of the National Board of Fire Underwriters and the American Petroleum Institute; and the requirements of the Lessor as to the quality of materials and the method of installation. Upon completion of said pipelines and appurtenances, the same shall continue to be personal property.

4. In consideration of the lease, easements and franchise to construct, maintain and use the storage tanks, pipelines, and appurtenances, and the services to be rendered by the Lessor as herein provided. the Lessee shall maintain the said storage tanks, pipelines and appurtenances in a good, safe and sound condition of repair, and shall protect the same from destruction, damage or deterioration, except the ordinary depreciation which may come or result to such storage tanks, pipelines,and appurtenances from the lapse of time with careful and diligent repair and maintenance.

5. The Lessee agrees at all times during the existence of this lease, easements and franchise to carry indemnity insurance issued by a company or companies authorized to issue such insurance in the State of Florida, in such reasonable amounts as necessary to protect, indemnify and save harmless the Lessor from all manner of damages to life or property which may occur, and from liability which may be established against the Lessor resulting from the acts of negligence of the Lessee or its officers, independent contractors, agents or servants in the construction, maintenance or use of the storage tanks, pipelines and appurtenances on the land of the Lessor. Notwithstanding the foregoing, Lessee may place into effect a program of self-insurance in lieu of coverage normally carried by public liability insurance and property insurance. Lessee shall certify such fact to Lessor in writing, and shall protect, indemnify and save harmless the Lessor from all manner of damages to life or property which may occur, and from liability which may be established against the Lessor resulting from the acts of negligence of the Lessee or its officers, agents or servants in the construction, maintenance or use of the storage tanks, pipelines and appurtenances on the land of the Lessor. Lessee covenants and agrees to protect and save harmless the reversionary interests of Lessor from any and all mechanics' liens for labor and materials, or both, incurred in connection with any improvements erected or other operations conducted by Lessee or those acting under it upon the premises. Notice is hereby given that Lessor shall not be held liable for any labor or material furnished to Lessee, or anyone acting under Lessee, upon credit, and that no mechanics' or other liens for such labor or materials or services shall attach to or affect any interest of Lessor in or to the premises.

6. The Lessor reserves the right to hereafter cause the said pipelines and appurtenances to be relocated when such relocation shall be necessary to provide for the efficient operation of the Port or the needs of other customers of the Lessor, or changing conditions; provided the expense of such relocation shall be paid by the Lessor and the Lessee shall be held harmless from any loss or damage resulting from the relocation of the same; and provided further, the said pipelines and appurtenances may not be relocated in such manner as will unreasonably hinder the pumping of petroleum fluids from shipside to the storage tanks of the Lessee or from said storage tanks to the terminals on the south bank of the Barge Canal.

7. The Lessor further agrees that the dockage and wharfage charges assessed against the Lessee for the delivery of petroleum products through Port Canaveral will not be more than the then applicable Tariff No. 2 and supplements thereto nor will they be in excess of the charges for delivery of petroleum products to any other user by future contract of the Port Canaveral facilities and further that charges will not be in excess of the highest charges for similar services charged by any other port on

the east coast of Florida. Any change in Tariff rates shall not become effective until six months after notice to the Lessee by Lessor in writing. It is further understood that the charges assessed as wharfage on petroleum and petroleum products passing through a pipeline per the present published Tariff No. 2 and any supplements thereto will not be assessed on the same products handled by the Lessee or its contractor or agent passing over the wharves through pipelines from storage on the Lessor's property, where such products have arrived at the Port by vessel and have already passed through the lines to storage and on which charges have already been assessed and paid by Lessee or its contractor or agent, provided that such petroleum and petroleum products have not been processed, manufactured or changed in any manner from the product that originally passed from vessels to storage. It is understood that in the event the Lessee brings in to its storage facilities covered by this agreement petroleum or petroleum products over land rather than by water transportation, the same wharfage rates as by water shall apply as provided and limited above. Lessee shall pay said wharfage within 30 days after same is incurred and shall furnish Lessor, upon its request, records of original entry by Lessee establishing the commodity movement giving rise to such wharfage.

8. The Lessee agrees that in the event the Lessor shall establish rules and requirements requiring all tenants on its lands to pay any charges for public utilities or other services determined by the Lessor to be mutually beneficial to Lessee and to the Port, the Lessee shall pay its equitable proportion of such charges in accordance with such rules and regulations.

9. For the lease, easements and franchise to construct, maintain and use the tank farm, pipelines and appurtenances for the receipt and delivery of petroleum fluids and other commodities, the Lessee agrees to pay the Lessor during the first ten (10) years of the term of this lease rentals as follows:

(A) For Parcel No. 1, the tank farm site, the sum of $1,000.00 per acre per year.

(B) For the aforesaid barge dock site or sites, the sum of the dockage charges which shall be assessed for any vessel, barge, lighter, tug or small craft using said site or sites or any facility thereon, computed yearly, or the sum of $2,000.00 for any such yearly period, whichever is the larger sum and which shall be a part of the yearly minimum guarantee provided for and paid as provided in Section 10 hereof; said dockage shall be paid within 30 days after the same is incurred.

(C) For pipeline easements, a lump sum or compensation of $1,000.00 per year.

The following adjustment of rentals at the commencement of and for the second ten (10) year period of the term shall be made with respect to items (A) and (C) only:

Minus or plus 1/5 of 1% for each whole index point decrease below 125 or increase above 130 in the average for the tenth year of the term of the monthly wholesale price indices of "Commodities other than Farm Products and Foods" based on 1947-1949 = 100, as published by the United States Department of Labor.

The following adjustments of rentals for the third, fourth and fifth ten (10) year periods of the term shall be made with respect to items (A) and (C) only.

Minus or plus 1/5 of 1% for each whole index point decrease below or increase above the average for the last year of each preceding ten year period of the term of the monthly wholesale price indices of "Commodities other than Farm Products and Foods" based on 1947-1949 = 100, as published by the United States Department of Labor.

The Index for all adjustments will be adjusted to a base of 1947-1949 = 100 if any other basis during the term should be used by the United States Department of Labor.

The maximum adjustment of rental charges for any 10-year period of the term shall not exceed the rental charges for the previous 10-year period plus or minus 10%. The charges with respect to item (B) shall remain the same during the entire term of this lease.

10. The Lessee agrees to pay Lessor for the entire term of this lease, a minimum of $20,000.00 per annum, subject to the provisions of the second paragraph of this Section 10. In determining the amount paid to Lessor per annum, the following will be considered as a part of the guarantee: the monies paid under Section 9, and all dockage and wharfage and any other payments hereunder paid to Lessor by Lessee or its supplier, contractor or agent. If in any year the amounts of the monies paid the Lessor are less than the guaranteed minimum, then the Lessee will pay the Lessor the difference and the Lessee will have the privilege of notifying the Lessor of termination of the lease which will become effective after one year after written notice of termination and whether or not on an anniversary of this lease agreement.

The Lessor understands that the facilities for the storage of the petroleum products and the plant which will use such products will take some time to construct and put in operation. It is agreed that the minimum yearly guarantee will not apply until such time as the petroleum products begin to move through the storage terminal, or December 31, 1965, whichever is the earlier. So as to put the payment of the minimum annual charge on a calendar year basis, such charge shall be adjusted and paid on a pro rata basis for effective and applicable periods of less than a year. It is further understood the foregoing application of the yearly minimum does not affect the payments due on the tank farm site and the pipeline easements and the initial payments therefor shall be paid to Lessor by Lessee on the first day of January, 1964, and annually thereafter.

11. This lease, easements and franchise granted by the Lessor to the Lessee, and the obligations of the Lessee to the Lessor shall become effective on the date of this lease, and shall continue in full force and effect for the term of fifty (50) years from the date of this lease, the maximum term of lease the Lessor can grant.

12. If the Lessee shall fail to pay any charges required to be paid by it hereunder within thirty (30) days after written notice by registered mail thereof, or if the Lessee shall fail to perform any other obligation required to be performed under this agreement within thirty (30) days after written notice thereof specifying the same, the Lessor may at its option terminate this lease, easements and franchise and the privileges of the Lessee hereunder because of such default. Failure to exercise this option shall not constitute a waiver of any future right of Lessor to exercise the option herein.

13. The lease, easements and franchise granted to the Lessee hereunder by the Lessor are based upon the Lessor's confidence in the integrity and the ability of the Lessee to perform its obligations hereunder. The Lessee shall not have the privilege of transferring or assigning this lease, easements or franchise, or any of its rights or privileges

hereunder, to any other person or corporation without the written consent of the Lessor. The Lessor on its part agrees not to unreasonably withhold its consent and agrees that any proposed assignee who shall have the financial capacity, experience and integrity to justify confidence in its ability to perform the obligations of the Lessee hereunder shall be approved by the Lessor. The provisions of this paragraph shall not prevent or prohibit Lessee from entering into an agreement with an independent contractor or agent to operate all or a part of the facilities constructed under this agreement without the consent of the Lessor but with the Lessee still being responsible to the Lessor under this agreement.

14. The Lessor agrees that if, from the date of this lease until the expiration of this lease and if during the term of this lease the Lessor makes any agreement or has an understanding with any person, firm, partnership, private or public corporation, whereby it leases comparable land on a more favorable basis or at a rental per acre lower than the rental specified in this lease to be paid by the Lessee herein, or whereby the Lessor charges a rental or compensation for a barge terminal site or sites lower or more favorable than the rental or compensation specified in this lease to be paid by Lessee herein, or whereby the Lessor charges a sum or compensation for pipeline easements lower or more favorable than the sum or compensation specified in this lease to be paid by Lessee herein, then in any such event or any such events the Lessor shall notify Lessee immediately and Lessee shall be forthwith entitled to such more favorable or lower rental, compensation, sum or charge (as the case may be) for the period or periods not to exceed the period or periods such more favorable or lower rental, compensation, sum or charge to any other said person, firm, partnership, private or public corporation is in effect. Failure of Lessor to so notify Lessee shall not affect Lessee's right to so receive such more favorable or lower rental, compensation, sum or charge. Lessee's aforesaid right to so become entitled to and to pay such more favorable or lower rental, compensation, sum or charge shall be a continuing right during the entire term of this lease and shall not be exhausted by the first or any subsequent exercise of such right but Lessee shall have such right from time to time and any number of times regardless of whether the more favorable or lower rentals, compensation, sum or charges are applicable to one or more of the classes of the payments made by the Lessee hereunder.

15. Lessor further covenants and agrees that Lessee shall and will, upon payment of rental herein specified, and upon fully observing and performing the covenants and agreements herein provided to be observed and performed by Lessee, quietly and peaceably possess and enjoy said above-described premises during the full term of this lease.

16. Time is of the essence hereof.

17. At the termination of this lease for any reason, Lessee shall have the right to remove, at its expense, within 60 days following such termination, all of its personal property and fixtures from the premises, except those fixtures of masonry construction and except the docking facilities. Said docking facilities and masonry fixtures shall become the property of Lessor at and upon the termination of this lease, except that at the election of Lessor any or all of the fixtures (masonry or otherwise) shall be removed within 60 days by Lessee at its expense upon Lessor notifying Lessee to so remove said fixtures. Upon said termination and removal, Lessee shall restore the condition of the premises as near as reasonably possible to the state of the same at the beginning of this lease term.

18. Executed in quadruplicate.

IN WITNESS WHEREOF, the Lessor has caused these presents to be signed in its name by its Chairman, and its corporate seal to be affixed, attested by its Secretary; and the Lessee has caused these presents

to be signed in its name by its Vice President, and its corporate seal to be affixed, attested by its Secretary, the day and year first above written.

Signed, sealed and delivered in our presence:

Joseph M. Lugo

Barbara E. Smith

(Corporate Seal)

CANAVERAL PORT AUTHORITY

By: _____
Chairman

Attest:

Roderick L. McIver
Secretary

Signed, sealed and delivered in our presence:

Suzanne J. Thrasher

Gail H. Shirlaw

(Corporate Seal)

FLORIDA POWER & LIGHT COMPANY

By _____
Vice President

Attest:

_____
Secretary

STATE OF FLORIDA)
)SS
COUNTY OF BREVARD)

I, the undersigned officer duly authorized to take and certify acknowledgments in said State and County, hereby certify that before me came A. A. DUNN and RODERICK S. McIVER as Chairman and Secretary of the CANAVERAL PORT AUTHORITY, a corporation under the laws of the State of Florida; that said persons so appearing before me are the individuals and the officers aforenamed of said corporation described in and who executed the foregoing Lease; and that then and there said individuals as said officers acknowledged before me that the seal affixed thereto is the corporate seal of said corporation, that their names officially are by them respectively subscribed thereto, that said Lease was signed, sealed and delivered by said corporation in the presence of two subscribing witnesses pursuant to law, and that the same is the free act and deed of said corporation.

Witness my signature and official seal at Port Canaveral in the County of Brevard, and State of Florida, this 24th day of July, 1963.

Barbara E. Smith
Notary Public, State of Florida at Large

My commission expires: August 2, 1966

STATE OF FLORIDA)
)SS:
COUNTY OF DADE)

I, the undersigned officer duly authorized to take and certify acknowledgments in said State and County, hereby certify that before me came GEORGE C. KINSMAN and W. F. BLAYLOCK, as Vice President and Secretary of FLORIDA POWER & LIGHT COMPANY, a corporation under the laws of the State of Florida; that said persons so appearing before me are the individuals and the officers aforenamed of said corporation described in and who executed the foregoing Lease; and that then and there said individuals as said officers acknowledged before me that the seal affixed thereto is the corporate seal of said corporation, that their names officially are by them respectively subscribed thereto, that said Lease was signed, sealed and delivered by said corporation in the presence of two subscribing witnesses pursuant to law, and that the same is the free act and deed of said corporation.

Witness my signature and official seal at Miami, in the County of Dade, and State of Florida, this 25th day of June, 1963.

Lillian Blackburn
Notary Public, State of Florida at Large

Notary Public, State of Florida at Large.
My commission expires Sept. 15, 1965

My commission expires:

REISS ENVIRONMENTAL

April 2, 2003

Meier G. Wise
North Area Real Estate Manager
Florida Power & Light Company
425 N. Williamson, Blvd
Daytona Beach, FL 32114
Tel: (386) 254-2260

RE: US Bureau of Reclamation Research Project
Cape Canaveral - Florida Power and Light Test Site
License Agreement

Dear Mr. Wise:

Enclosed please find executed License Agreement for our US Bureau of Reclamation Research Project at the Cape Canaveral Power Plant and copy of our certificate of insurance as requested in Item 11 of the Agreement.

If you have any questions or need any additional information, please do not hesitate to contact me at (407) 679-5358.

Sincerely,

REISS ENVIRONMENTAL, INC.

Tory L. Champlin, Ph.D., P.E.
Project Manager

Cc: C. Robert Reiss (Reiss Environmental, Inc.)
Project File 3801

Enclosures: Executed License Agreement
Certificate of insurance

Reiss Environmental, Inc.
2487 Aloma Ave., Suite 200
Winter Park, Florida 32792

Tel: 407.679.5358
Fax: 407.679.5003
email: crreiss@reissenv.com

LICENSE

THIS AGREEMENT, is made this 1st day of April, 2003 between FLORIDA POWER & LIGHT COMPANY, a Florida corporation, whose mailing address is P.O. Box 14000, Juno Beach, Florida 33408, hereinafter referred to as "FPL" and Reiss Environmental, Inc., whose mailing address is 2487 Aloma Avenue, Suite 200, Winter Park, Florida 32792, herein referred to as "REISS." All terms used herein shall be construed as embracing such number and gender as the character of the party or parties require(s).

WITNESSETH:

WHEREAS FPL is the owner of title in fee simple to property at the Cape Canaveral Power Plant in Brevard County, Florida, hereinafter referred to as "the power plant", which includes the area described in "Exhibit A" as "the land", attached hereto and by this reference incorporated herein.

AND, WHEREAS REISS desires to occupy and use the land of FPL for conducting desktop assessment and pilot scale studies for the purpose of evaluating water quality and pretreatment conditions for seawater reverse osmosis using seawater under the influence of fresh water run-off fully described in the Final Work Plan, Solicitation No. 02-FC-81-0757 ("the work") and for no other purpose;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, FPL hereby grants and REISS hereby accepts a license to use and occupy the land of FPL for the purposes described, and for no other purpose, for a period not to exceed one year on the 1st day of April, 2003 and ending on the 31st day of March, 2004. REISS will provide FPL with the copy of any operating data, and including operational logs that are requested. REISS will provide FPL with quarterly reports and a final project report.

The parties hereto agree as follows:

1. REISS hereby acknowledges that FPL is the owner of fee simple title to the land described herein and agrees never to claim any interest or estate of any kind or extent whatsoever in the land by virtue of this License or the occupancy or use hereunder. REISS' use of the land shall always be subordinate to FPL's rights in the land. FPL reserves the right to enter upon the land at any time for its purposes and REISS shall notify its employees, agents, contractors, invitees, and licensees accordingly. FPL and its contractors will not be responsible or liable for any damage or loss to REISS resulting from FPL's use thereof for such purposes.

2. REISS will not use the land in any manner which, in the opinion of FPL, may tend to interfere with FPL's use of the land or may tend to cause a hazardous condition to exist.

3. REISS agrees at its sole cost and expense to comply with all laws, rules, and regulations of any governmental authority having jurisdiction over the land, including all environmental requirements and obtaining all permits necessary to perform the work, and to employ practices standard in the County in which the land is located for the purpose for which this License is granted and for the protection of the land.

4. REISS shall keep the land clean and clear so as to prevent it from becoming unsightly and shall not store materials and will see to it that no debris or trash is dumped or deposited thereon.

5. FPL may terminate this License for any reason by giving REISS at least 24 hour written notice of such termination. If 24-hour notice is given, FPL shall provide REISS reasonable access and time for removal of all personal property, as noted in #6.

6. Upon the expiration, revocation, or other termination of this License, REISS shall quietly

and peaceably surrender and deliver possession of the land in as good a condition as existed prior to the date of commencement hereof, and REISS shall remove all personal property placed by it on the land and shall repair and restore and save FPL harmless from all damage caused by such removal. Upon expiration, revocation, or other termination, FPL shall provide REISS with at least 21 days to remove equipment prior to FPL's removal of such equipment at the expense of REISS. If after 21 days, REISS has not quietly and peaceably surrender and deliver possession of the land in as good a condition as existed prior to the date of commencement hereof, FPL shall have the right to make such removal at REISS' sole cost and expense, the amount of which REISS agrees to pay to FPL upon demand. FPL may restrict access to the land for any reason within its discretion for the purposes of safety or security of REISS or FPL personnel or equipment, including having equipment removed.

7. Written notices shall be given to the respective parties at the addresses shown herein or at such other place as one party may direct the other by written notice. For the purposes of #5, written notice includes facsimile notice to (407) 679-5003.

8. REISS expressly covenants and agrees that the land shall not be subject to any encumbrance by any mortgage or lien nor shall the land be liable to satisfy any indebtedness that may result from REISS' permitted operation. This License will terminate automatically upon the dissolution of the REISS or if REISS shall become insolvent or bankrupt or make an assignment for the benefit of creditors.

9. This License shall be subject to and REISS takes cognizance of all conditions, restrictions, and reservations, if any, which may affect the land. REISS agrees to hold and save harmless and fully indemnify FPL from any liability for breach of such conditions, restrictions, or reservations. REISS understands and is fully aware of the industrial activities occurring at the power plant. REISS takes all responsibility for ensuring safe work practices by its employees given the industrial nature of the operations.

10. REISS shall exercise its privileges hereunder at its own sole risk and agrees to indemnify and save harmless FPL, its parent, subsidiaries, affiliates, and their respective officers, directors, agents and employees ("FPL Entities"), from all liability, loss, cost, and expense, including attorneys' fees, which may be sustained by FPL Entities, to any person, natural or artificial, by reason of the death of or injury to any person or damage to any property, due to or caused in whole or part by the negligence of REISS, arising out of or in connection with the use of the land by REISS, its contractors, agents or employees, and REISS agrees to defend, at its cost and expense and at no cost and expense to FPL Entities, any and all suits or actions instituted against FPL Entities for the imposition of such liability, loss, cost, and expense.

11. REISS shall, during the period of this License or any extension thereof, maintain at its sole cost and expense a liability policy with minimum limits of One Million Dollars and No Cents ($1,000,000.00) for bodily injury or death of person(s) and One Million Dollars and No Cents ($1,000,000.00) for property damage arising out of a single occurrence. Said policy shall be endorsed to insure against obligations assumed by REISS in the indemnity (Paragraph 10). A certificate of insurance shall be furnished to the FPL evidencing that said policy of insurance is in force and will not be cancelled or materially changed without ten- (10) day's advance written notice to FPL. Upon request, copies of policies will be furnished to FPL. REISS understands and agrees that the use of the land is expressly contingent upon acceptance and compliance with the provisions contained herein. REISS will furnish a copy of its insurance policy naming FPL as an additional insured.

12. The plans relating to the use of the land are fully described in the Final Work Plan, Solicitation No. 02-FC-81-0757, any amendments to the work described therein, shall be submitted to FPL for approval prior to implementation.

13. Time is of the essence. This instrument does not void any terms and conditions completed under FPL standard forms. This instrument constitutes the entire agreement

between the parties relative to the License hereby granted. Any amendment, modification, or supplement to this License must be in writing and executed by both FPL and REISS. Waiver by FPL of any breach of any term or provision hereof shall not be deemed a waiver of subsequent breach of the same or any other term or provision hereof.

14. Should any provision of this License be determined by a court of competent jurisdiction illegal or in conflict with any applicable law, the validity of the remaining provisions shall not be impaired. In the event of any litigation arising out of enforcement of this License, the prevailing party in such litigation shall be entitled to recovery of all costs, including reasonable attorneys' fees.

IN WITNESS WHEREOF, the parties hereto have caused this License to be signed the day and year first above written.

Signed, sealed and delivered
in the presence of:

Sheila E. Pinter
Name (Print): Sheila E. Pinter

Lois D. Liebman
Name (Print): Lois D. Liebman

FLORIDA POWER & LIGHT FPL

By: Maria G. Wise
Its: NORTH AREA REAL ESTATE MANAGER
MEIER G. WISE

Print Name:

Signed, sealed and delivered
in the presence of:

X Tory L. Champlin
Name (Print): TORY L. CHAMPLIN

X Kim Jones
Name (Print): Kim JONES

REISS ENVIRONMENTAL, INC.

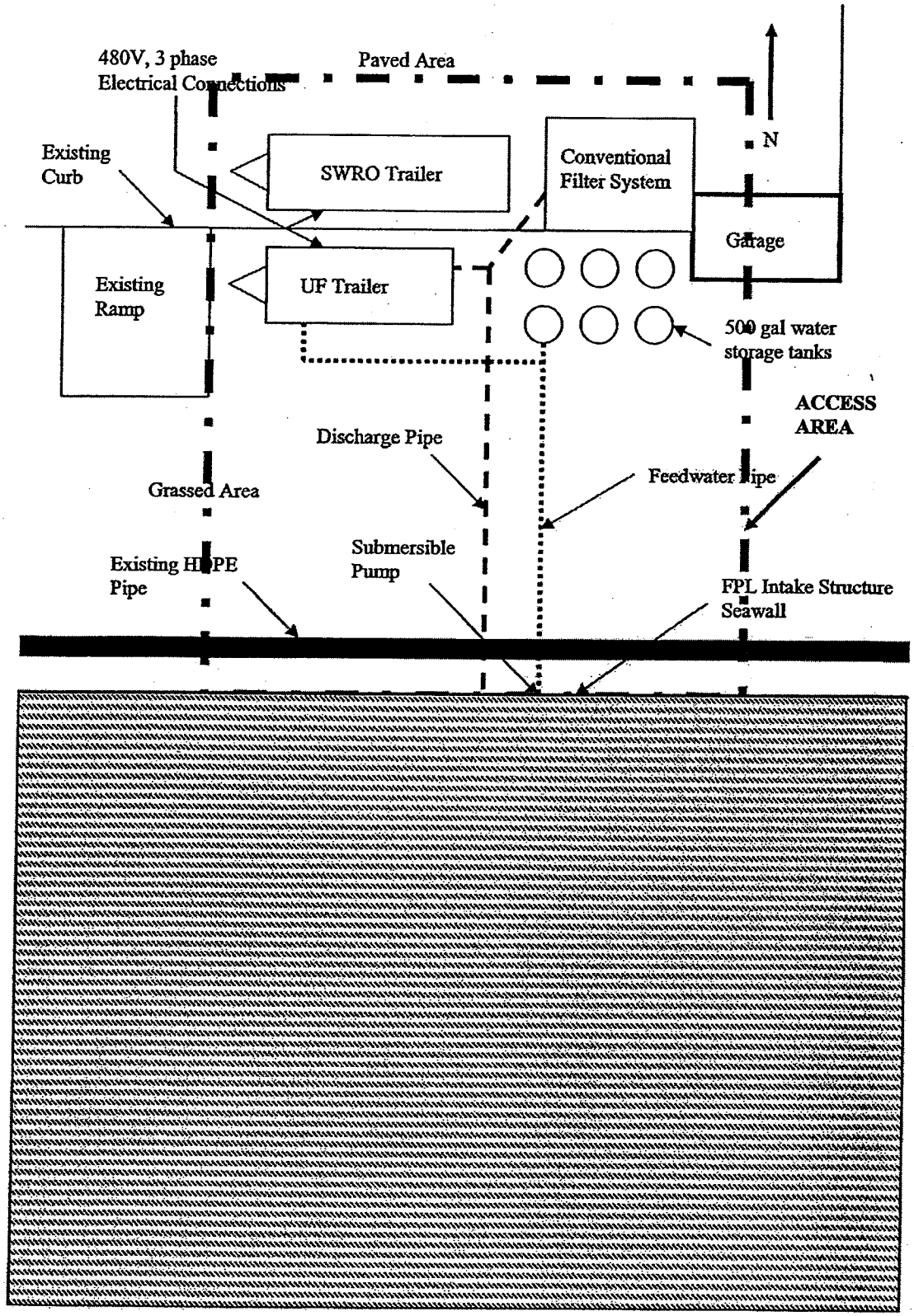
X By: C. Robert Reiss
Its: Pres. Dent

Print Name: C. Robert Reiss

Parking.Lic (Master)
DGE 3/17/94

FP&L Cape Canaveral
Proposed SWRO Pilot Site

EXHIBIT A



ACORD CERTIFICATE OF LIABILITY INSURANCE

CSR KB
REISS-2

DATE (MM/DD/YYYY)
02/21/03

PRODUCER

Johnston & Associates
P. O. Box 2703
Winter Park FL 32790
Phone: 407-644-5722 Fax:407-628-1363

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

Reiss Environmental, Inc.
2487 Aloma Ave., #200
Winter Park FL 32792

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: CNA Insurance Companies	
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	X	GENERAL LIABILITY [X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC	1 62406530	07/09/02	07/09/03	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 100,000 $ 10,000 $ 1,000,000 $ 2,000,000 $ 2,000,000
A		AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS [X] HIRED AUTOS [X] NON-OWNED AUTOS	162406530	07/09/02	07/09/03	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ $1,000,000 $ $ $
		GARAGE LIABILITY [ ] ANY AUTO				AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY: EA ACC AGG	$ $ $
		EXCESS/UMBRELLA LIABILITY [ ] OCCUR [ ] CLAIMS MADE [ ] DEDUCTIBLE [ ] RETENTION $				EACH OCCURRENCE AGGREGATE	$ $
A		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	WC198746253	09/21/02	09/21/03	WC STATU-TORY LIMITS [X] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1000000 $ 1000000 $ 1000000
A		OTHER Professional Liab	114071012	07/09/02	07/09/03	PER CLAIM AGGREGATE	$1000000 $1000000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Additional Insured (general liability): HNTB

CERTIFICATE HOLDER

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

COPY

© ACORD CORPORATION 1988

Department of Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

March 20, 2003

Florida Power & Light.
Attn: Mrs. Jill Watson (GPA-JB)
700 Universe Blvd.
Juno Beach, FL 33408

Recorded original sent to Jill Watson 4/1/03

BOT Lease No. **050024374**
Lessee: Florida Power & Light

Dear Mrs. Watson:

Enclosed is a fully executed lease for **your** records. The **lease requires** the Lessee to have the fully executed lease **(all pages)** recorded within **14** days after receipt of this letter. The lease is to be recorded in the official records of the county where the leased site is located. **Please provide within 10 days following recordation, a copy of the recorded lease indicating the O.R. Book and Pages at which the lease is recorded to Tanya Pahl** at the letterhead address above (Mail Station No. 125).

The invoice covering lease fees due on this account will be forwarded to you directly by the Bureau of Public Lands Administration's Accounting Section. If the billing agent, phone number or fax change, or there is a change in the Lessee's tax status, please notify the ACCOUNTING SECTION at (850) 245-2720 within 30 days of the date of any change.

Thank you for your assistance and cooperation in this matter.

Sincerely,

for Michelle Brady

Michelle Brady, Records Management Analyst
Bureau of Public Land Administration
Division of State Lands

/mb
Enclosures
cc: Records Center
DEP/Southeast District

CFN:2003094188 04-01-2003 12:18 pm
OR Book/Page: 4865 / 2428

This Instrument Prepared By:
Pattie J. Scott
Recurring Revenue Section
Bureau of Public Land Administration
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

Scott Ellis
Clerk Of Courts, Brevard County
#Pgs: 18 #Names: 2
Trust: 9.50 Rec: 73.00 Serv: 0.00
Deed: 0.00 Excise: 0.00
Mtg: 0.00 Int Tax: 0.00

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LANDS LEASE RENEWAL

No. 050024374
PA No. _____

THIS LEASE is hereby issued by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Lessor.

WITNESSETH: That for and in consideration of payment of the annual lease fees hereinafter provided and the faithful and timely performance of and compliance with all terms and conditions stated herein, the Lessor does hereby lease to Florida Power & Light Company, a Florida corporation, hereinafter referred to as the Lessee, the sovereign lands described as follows:

HC

A parcel of sovereign submerged land in Section 19, Township 23 South, Range 36 East, in the Indian River, Brevard County, containing 64,100 square feet, more or less, as is more particularly described and shown on Attachment A, dated November 30, 1998.

TO HAVE THE USE OF the hereinabove described premises from January 1, 2003, the effective date of this lease renewal, through January 1, 2008, the expiration date of this lease renewal. The terms and conditions on and for which this lease renewal is granted are as follows:

1. USE OF PROPERTY: The Lessee is hereby authorized to operate an existing 1-slip docking/unloading facility exclusively to be used for mooring of barges and tugs vessels in conjunction with an upland fuel oil tank farm/power plant, without fueling facilities, without sewage pumpout facilities and without liveaboards as defined in paragraph 28, as shown and conditioned in Attachment A. All of the foregoing subject to the remaining conditions of this Lease.

2. LEASE FEES: The Lessee hereby agrees to pay to the Lessor an annual lease fee of $7,986.86 plus sales tax pursuant to Section 212.031, Florida Statutes, if applicable, within 30 days of the date of receipt of the invoice. The annual fee for the remaining years of the lease shall be adjusted pursuant to provisions of Section 18-21.011, Florida Administrative Code. The Division of State Lands will notify the Lessee in writing of the amount and the due date of the annual payment. The lease fee shall be remitted annually to the Division of State Lands as the agent for the Lessor, beginning with the effective and due date of this lease renewal, and each year thereafter until the term of this lease renewal terminates or expires.

3. WET SLIP RENTAL CERTIFICATION/SUPPLEMENTAL PAYMENT: The Lessee shall provide upon request by the Lessor any and all information in a certified form needed to calculate the lease fee specified in paragraph two (2) above, including the total amount of the gross receipts derived from the rental of wet slips, if applicable. When six percent (6%) of the gross receipts derived from the rental of wet slips exceeds the prorated base fee or minimum fee established pursuant to section 18-21.011, Florida Administrative Code, for any lease year during the term of this lease, the Lessor shall send the Lessee a supplemental invoice for the difference in the amounts for that lease year.

4. LATE FEE ASSESSMENTS: The Lessee shall pay a late charge equal to interest at the rate of twelve percent (12%) per annum from the due date until paid on any lease fees due hereunder which are not paid within 30 days of their due dates.

5. EXAMINATION OF LESSEE'S RECORDS: For purposes of this lease renewal, the Lessor is hereby specifically authorized and empowered to examine, for the term of this lease renewal including any extensions thereto plus three (3) additional years, at all reasonable hours, the books, records, contracts, and other documents confirming and pertaining to the computation of annual lease payments as specified in paragraph two (2) above.

6. MAINTENANCE OF LESSEE'S RECORDS: The Lessee shall secure, maintain, and keep all records for the entire term of this lease renewal, plus three (3) additional years. This period shall be extended for an additional two (2) years upon request for examination of all records and accounts for lease payment verification purposes by the Lessor.

7. AGREEMENT TO EXTENT OF USE: This lease is given to the Lessee to use or occupy the leased premises only for those activities specified herein. The Lessee shall not change or add to the approved use of the leased premises as defined herein (e.g., from commercial to multi-family residential, from temporary mooring to rental of wetslips, from rental of wetslips to contractual agreement with third party for docking of cruise ships, from rental of recreational pleasure craft to rental or temporary mooring of charter/tour boats, from loading/offloading commercial to rental of wetslips, etc.), shall not change activities in any manner that may have an environmental impact that was not considered in the original authorization or regulatory permit, or shall not change the type of use of the riparian uplands without first obtaining a regulatory permit/modified permit, if applicable, and the Lessor's written authorization in the form of a modified lease, the payment of additional fees, if applicable, and, if applicable, the removal of any structures which may no longer qualify for authorization under the modified lease.

8. PROPERTY RIGHTS: The Lessee shall make no claim of title or interest to said lands hereinbefore described by reason of the occupancy or use thereof, and all title and interest to said land hereinbefore described is vested in the Lessor. The Lessee is prohibited from including, or making any claim that purports to include, said lands described or the Lessee's leasehold interest in said lands into any form of private ownership, including but not limited to any form of condominium or cooperative ownership. The Lessee is further prohibited from making any claim, including any advertisement, that said land, or the use thereof, may be purchased, sold, or re-sold.

9. INTEREST IN RIPARIAN UPLAND PROPERTY: During the term of this lease renewal, the Lessee shall maintain a leasehold or fee simple title interest in the riparian upland property and if such interest is terminated, the lease may be terminated at the option of the Lessor. Prior to sale and/or termination of the Lessee's leasehold or fee simple title interest in the upland property, Lessee shall inform any potential buyer or transferee of the Lessee's upland property interest of the existence of this lease renewal and all its terms and conditions and shall complete and execute any documents required by the Lessor to effect an assignment of this lease renewal, if consented to by the Lessor. Failure to do so will not relieve the Lessee from responsibility for full compliance with the terms and conditions of this lease renewal which include, but are not limited to, payment of all fees and/or penalty assessments incurred prior to such act.

10. ASSIGNMENT OF LEASE RENEWAL: This lease renewal shall not be assigned or otherwise transferred without prior written consent of the Lessor or its duly authorized agent. Such assignment or other transfer shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. Any assignment or other transfer without prior written consent of the Lessor shall be null and void and without legal effect.

11. INDEMNIFICATION/INVESTIGATION OF ALL CLAIMS: The Lessee shall investigate all claims of every nature arising out of this lease at its expense, and shall indemnify, defend and save and hold harmless the Lessor and the State of Florida from all claims, actions, lawsuits and demands arising out of this lease renewal.

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OR Book/Page: 4865 / 2430

12. VENUE: Lessee waives venue as to any litigation arising from matters relating to this lease renewal and any such litigation between Lessor and Lessee shall be initiated and maintained only in Leon County, Florida.

13. NOTICES/COMPLIANCE/TERMINATION: The Lessee binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Lessee, its successors and assigns. In the event the Lessee fails or refuses to comply with the provisions and conditions herein set forth, or in the event the Lessee violates any of the provisions and conditions herein, or fails or refuses to comply with the provisions and conditions herein set forth within 20 days of receipt of the Lessor's notice to correct, this lease renewal may be terminated by the Lessor upon thirty (30) days written notice to Lessee. If canceled, all of the above-described parcel of land shall revert to the Lessor. All costs and attorneys' fees incurred by the Lessor to enforce the provisions of this lease shall be paid by the Lessee. All notices required to be given to the Lessee by this lease renewal or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

Florida Power & Light Company
Cape Canaveral Plant
Scott Stone ~~C/o John Franklin~~, Plant General Manager
6000 North US Highway 1
Cocoa, Florida 32927-6002

3-3-03

The Lessee shall notify the Lessor by certified mail of any change to this address at least ten (10) days before the change is effective.

14. TAXES AND ASSESSMENTS: The Lessee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this lease renewal.

15. NUISANCES OR ILLEGAL OPERATIONS: The Lessee shall not permit the leased premises or any part thereof to be used or occupied for any purpose or business other than herein specified unless such proposed use and occupancy are consented to by the Lessor and the lease is modified accordingly, nor shall Lessee knowingly permit or suffer any nuisances or illegal operations of any kind on the leased premises.

16. MAINTENANCE OF FACILITY /RIGHT TO INSPECT: The Lessee shall maintain the leased premises in good condition, keeping the structures and equipment located thereon in a good state of repair in the interests of public health, safety and welfare. The leased premises shall be subject to inspection by the Lessor or its designated agent at any reasonable time.

17. NON-DISCRIMINATION: The Lessee shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicap, or marital status with respect to any activity occurring within the area subject to this lease renewal or upon lands adjacent to and used as an adjunct of the leased area. During the lease term, the Lessee shall post and maintain the placard furnished to the Lessee by the Lessor in a prominent and visible location on the leased premises or adjacent business office of the Lessee. It shall be the responsibility of the Lessee to post the placard in a manner which will provide protection from the elements, and, in the event that said placard becomes illegible at any time during the term of this lease renewal (including any extensions thereof), to notify the Lessor in writing, so that a replacement may be provided.

18. ENFORCEMENT OF PROVISIONS: No failure, or successive failures, on the part of the Lessor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Lessor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

19. PERMISSION GRANTED: Upon expiration or cancellation of this lease renewal all permission granted hereunder shall cease and terminate.

CFN:2003094188
OR Book/Page: 4865 / 2431

20. RENEWAL PROVISIONS: Renewal of this lease shall be at the sole option of the Lessor. Such renewal shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. In the event that Lessee is in full compliance with the terms of this lease renewal, the Lessee may apply in writing for a renewal. Such application for renewal must be received by Lessor no sooner than 120 days and no later than 30 days prior to the expiration date of the original or current term hereof. The term of any renewal granted by the Lessor shall commence on the last day of the previous lease term. If the Lessee fails to timely apply for a renewal, or in the event the Lessor does not grant a renewal, the Lessee shall vacate the leased premises and remove all structures and equipment occupying and erected thereon at its expense. The obligation to remove all structures authorized herein upon termination of this lease renewal shall constitute an affirmative covenant upon the riparian upland property more specifically described in Attachment B, which shall run with the title to said riparian upland property, and shall be binding upon Lessee and Lessee's successors in title or successors in interest.

21. REMOVAL OF STRUCTURES/ADMINISTRATIVE FINES: If the Lessee does not remove said structures and equipment occupying and erected upon the leased premises after expiration or cancellation of this lease renewal, such structures and equipment will be deemed forfeited to the Lessor, and the Lessor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Lessee at the address specified in Paragraph 13 or at such address on record as provided to the Lessor by the Lessee. However, such remedy shall be in addition to all other remedies available to the Lessor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

22. REMOVAL COSTS/LIEN ON RIPARIAN UPLAND PROPERTY: Any costs incurred by the Lessor in the removal of any structures and equipment constructed or maintained on state lands shall be paid by the Lessee and any unpaid costs and expenses shall constitute a lien upon the interest of the Lessee in its riparian upland property enforceable in summary proceedings as provided by Law.

23. RECORDATION OF LEASE: The Lessee, at its own expense, shall record this fully executed lease renewal in its entirety in the public records of the county within which the lease site is located within fourteen (14) days after receipt, and shall provide to the Lessor within ten (10) days following the recordation a copy of the recorded lease in its entirety which contains the O.R. book and pages at which the lease is recorded.

24. RIPARIAN RIGHTS/FINAL ADJUDICATION: In the event that any part of any structure authorized hereunder is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Lessee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply with this paragraph shall constitute a material breach of this lease renewal agreement and shall be grounds for immediate termination of this lease renewal agreement at the option of the Lessor.

25. AMENDMENTS/MODIFICATIONS: This lease renewal is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this lease renewal must be in writing, must be accepted, acknowledged and executed by the Lessee and Lessor, and must comply with the rules and statutes in existence at the time of the execution of the modification or amendment. Notwithstanding the provisions of this paragraph, if mooring is authorized by this lease, the Lessee may install boatlifts within the leased premises without formal modification of the lease provided that (a) the Lessee obtains any state or local regulatory permit that may be required; and (b) the location or size of the lift does not increase the mooring capacity of the facility.

26. ADVERTISEMENT/SIGNS/NON-WATER DEPENDENT ACTIVITIES/ADDITIONAL ACTIVITIES/MINOR STRUCTURAL REPAIRS: No permanent or temporary signs directed to the boating public advertising the sale of alcoholic beverages shall be erected or placed within the leased area. No restaurant or dining activities are to occur within the leased area. The Lessee shall ensure that no permanent, temporary or floating structures, fences, docks, pilings or any structures whose use is not water-dependent shall be erected or conducted over sovereignty submerged lands without prior written consent from the Lessor. No additional structures and/or activities including dredging, relocation/realignment or major repairs or renovations to authorized structures, shall be erected or conducted on or over sovereignty, submerged lands without prior written consent from the Lessor. Unless specifically authorized in writing by the Lessor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Lessee to administrative fines under Chapter 18-14, Florida Administrative Code. This condition does not apply to minor structural repairs required to maintain the authorized structures in a good state of repair in the interests of public health, safety or welfare; provided, however, that such activities shall not exceed the activities authorized by this agreement.

27. COMPLIANCE WITH FLORIDA LAWS: On or in conjunction with the use of the leased premises, the Lessee shall at all times comply with all Florida Statutes and all administrative rules promulgated thereunder. Any unlawful activity which occurs on the leased premises or in conjunction with the use of the leased premises shall be grounds for the termination of this lease by the Lessor.

28. LIVEABOARDS: The term "liveaboard" is defined as a vessel docked at the facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within a thirty (30) day period. If liveaboards are authorized by paragraph one(1) of this lease, in no event shall such "liveaboard" status exceed six(6) months within any twelve (12) month period, nor shall any such vessel constitute a legal or primary residence.

29. GAMBLING VESSELS: During the term of this lease and any renewals, extensions, modifications or assignments thereof, Lessee shall prohibit the operation of or entry onto the leased premises of gambling cruise ships, or vessels that are used principally for the purpose of gambling, when these vessels are engaged in "cruises to nowhere," where the ships leave and return to the state of Florida without an intervening stop within another state or foreign country or waters within the jurisdiction of another state or foreign country, and any watercraft used to carry passengers to and from such gambling cruise ships.

30. SPECIAL LEASE CONDITION: Should a field survey acceptable to Lessor be required or obtained after the effective date of this lease, the annual lease fees due hereunder shall be adjusted to reflect the increase or decrease in the total preempted area shown by the survey. Any such adjustment shall be effective from the date of the acceptable survey and shall be prospective only. No reimbursement or credit shall be given to Lessee by Lessor for overages, and no charge shall be imposed by Lessor for shortages unless the error resulted from inaccurate information supplied by the Lessee.

CFN:2003094188
OR Book/Page: 4865 / 2433

WITNESSES:

Original Signature

Daryl Branning
Print/Type Name of Witness

Sherika M. Hubbard
Original Signature

Sherika M. Hubbard
Print/Type Name of Witness

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

BY: _____
Ralph M. Perkins, Operations and Management Consultant Manager, Bureau of Public Land Administration, Division of State Lands, Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida

"LESSOR"

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 18th day of March, 2003 by Ralph M. Perkins, Operations and Management Consultant Manager, Bureau of Public Land Administration, Division of State Lands, Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. He is personally known to me.

APPROVED AS TO FORM AND LEGALITY:

DEP Attorney

Florence L. Davis
Notary Public, State of Florida

Printed, Typed or Stamped Name

My Commission Expires:

Florence L Davis
MY COMMISSION # CC974560 EXPIRES
October 11, 2004
BONDED THRU TROY FAIN INSURANCE, INC.

Commission/Serial No.

WITNESSES:

Original Signature

Typed/Printed Name of Witness

Original Signature

M. LOURDES MOLINER
Typed/Printed Name of Witness

Florida Power & Light Company, a Florida corporation (SEAL)

BY: _____
Original Signature of Executing Authority

J.W. Molyneaux
Typed/Printed Name of Executing Authority

Assistant Secretary
Title of Executing Authority

"LESSEE"

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 3 day of January, 2003, by J. W. Molyneaux as Assistant Secretary of Florida Power & Light Company, a Florida corporation, for and on behalf of the corporation. He is personally known to me or ~~who has produced~~ _____ as identification.

My Commission Expires:

6-30-05

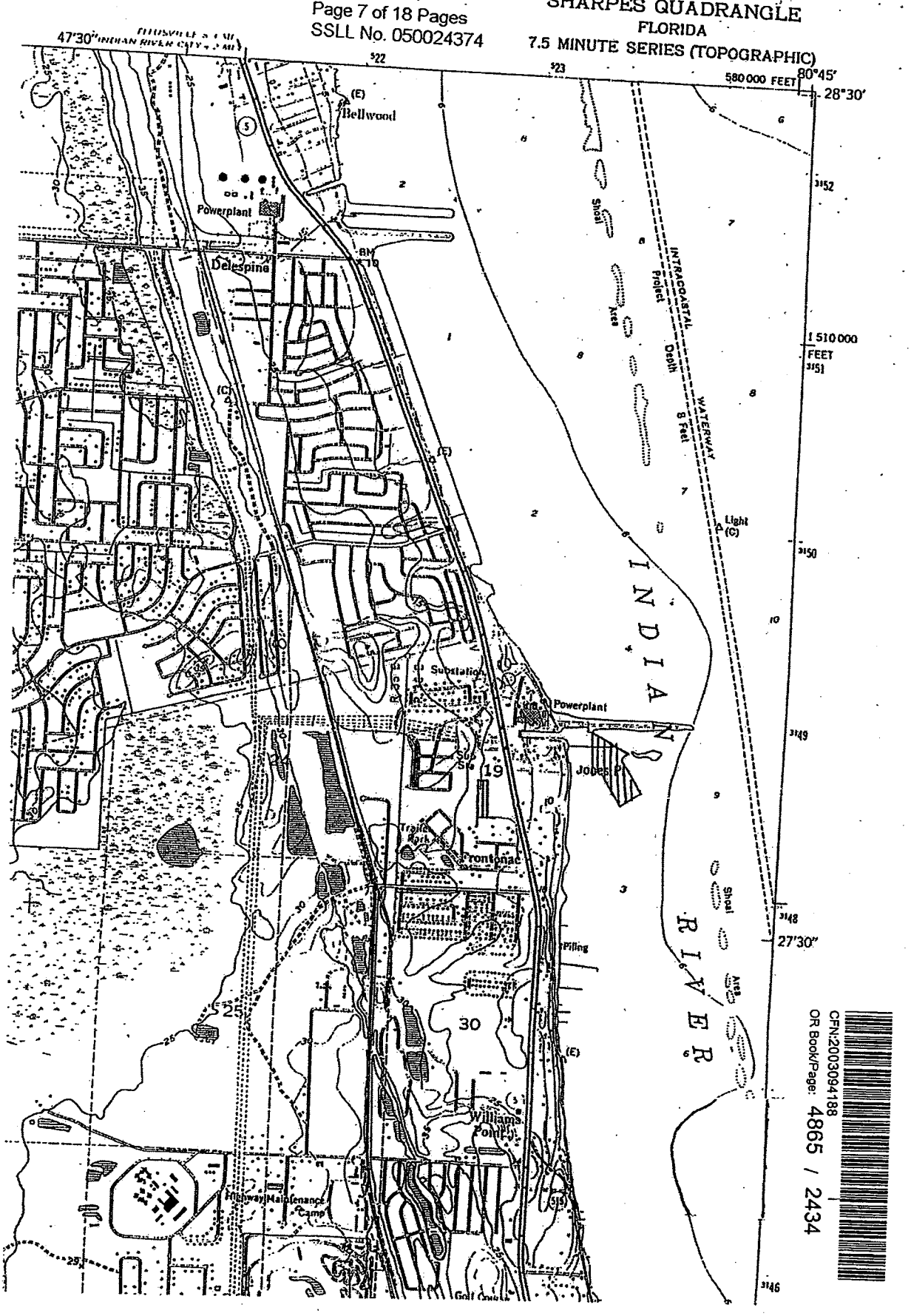
Commission/Serial No. DD 005579

Notary Public, State of TRUDY K. SCOTTEN
FLORIDA
Printed, Typed or Stamped Name

TRUDY K. SCOTTEN
MY COMMISSION # DD 005579
EXPIRES: June 30, 2005
Bonded Thru Notary Public Underwriters

[redacted]

Attachment A
Page 7 of 18 Pages
SSLL No. 050024374



CFN:2003094188
OR Book/Page: 4865 / 2434

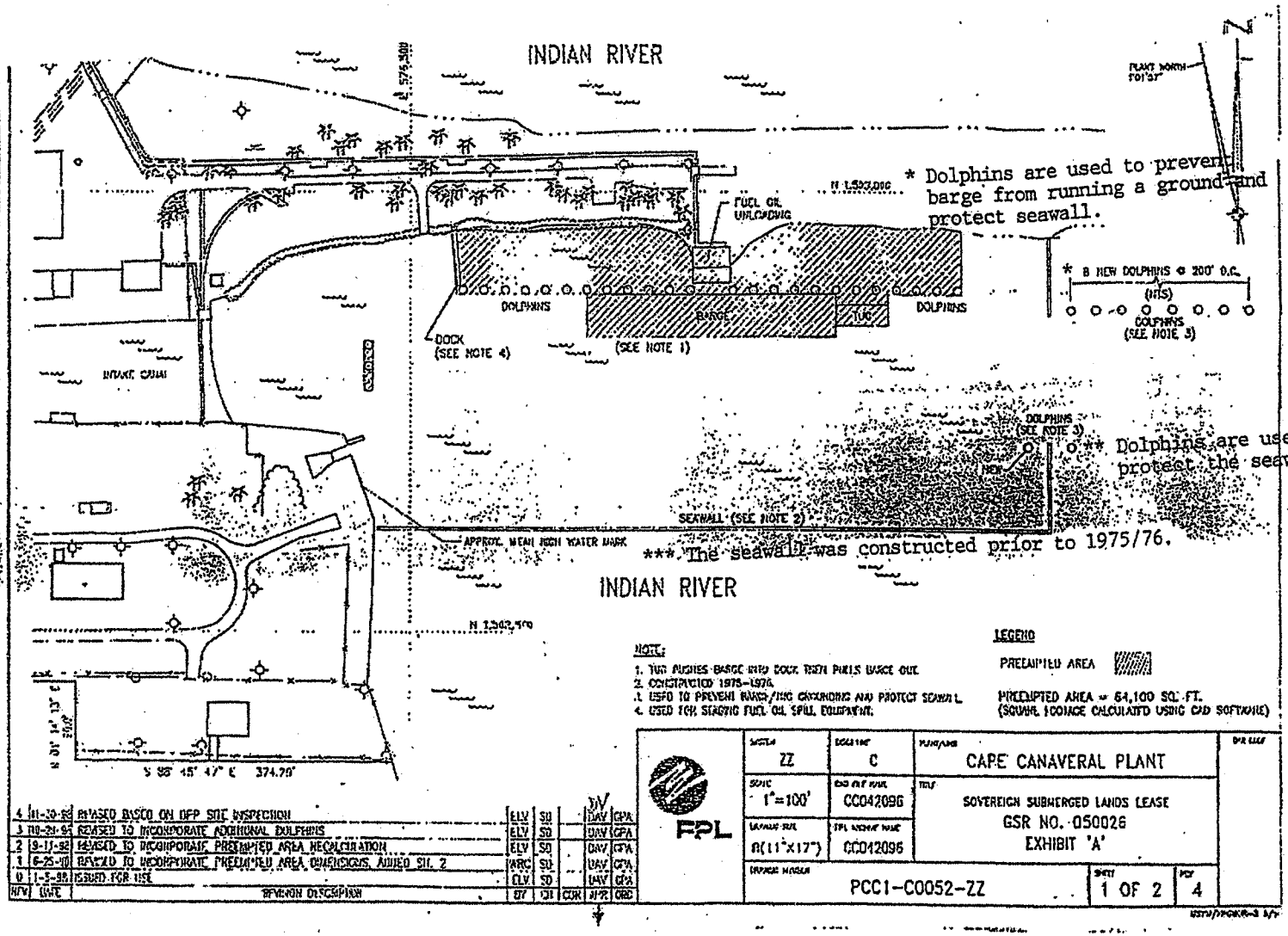
CFN:2003094188
OR Book/Page: 4865 / 2435

FLORIDA POWER & LIGHT
CAPE CANAVERAL PLANT
BREVARD COUNTY FLORIDA
GSR NO. 050026

A parcel of submerged land located in Section 19, Township 23 South, Range 36 East, Brevard County, Indian River (waterbody) containing 64,100 square feet, as described on the attached sketch labeled as Exhibit A and dated November 30, 1998, located immediately waterward of that upland propety with the legal description in the attached summary legal description labeled as Exhibit B.

[LEGAL DESCRIPTION(S)AS DESCRIBED IN THOSE CERTAIN WARRANTY DEED(S), BETWEEN RAPPE DEVELOPMENT COMPANY, ROBERT W. BRUCE AND MILDRED C. BRUCE, HUSBAND AND WIFE, P.D. SHUPING,UNMARRIED, FREDERICK O. RIPON AND MILDRED M. RIPON, HUSBAND AND WIFE, ALBERT RAMOS AND KATHERINE RAMOS,HUSBAND AND WIFE, CHARLES HERMAN AND ERMA EILEEN HERMAN, HIS WIFE,L.A. PERRIN, AS TRUSTEE, AND INDIVIDUALLY, JOINED BY HIS WIFE, LENELLE PERRIN, EDWARD LAWTON AND MARIE LAWTON, HUSBAND AND WIFE, WORTH A. OVERACKER AND MAUD I. OVERACKER, HUSBAND AND WIFE, JAMES H. SWEENY, JR. AND CHRISTINE B. SWEENY, HIS WIFE, PALMER B. CONNER AND HELEN H. CONNER,HUSBAND AND WIFE, LYNN B. WHITEMAN AND JULIA C. WHITEMAN, HUSBAND AND WIFE,FRANK A. ROBINSON AND HIS WIFE, GLADYS M. ROBINSON, GRANTORS AND FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, GRANTEE, AS RECORDED IN THE ATTACHED SUMMARY OF LEGAL DESCRIPTION(S), OFFICIAL RECORDS OF BREVARD COUNTY, FLORIDA, OTHERWISE KNOWN AS ATTACHMENT B TO THIS LEASE INSTRUMENT.]

CFN:2003094188
OR Book/Page: 4865 / 2436
Attachment A
Page 9 of 18 Pages
SSLL No. 050024374



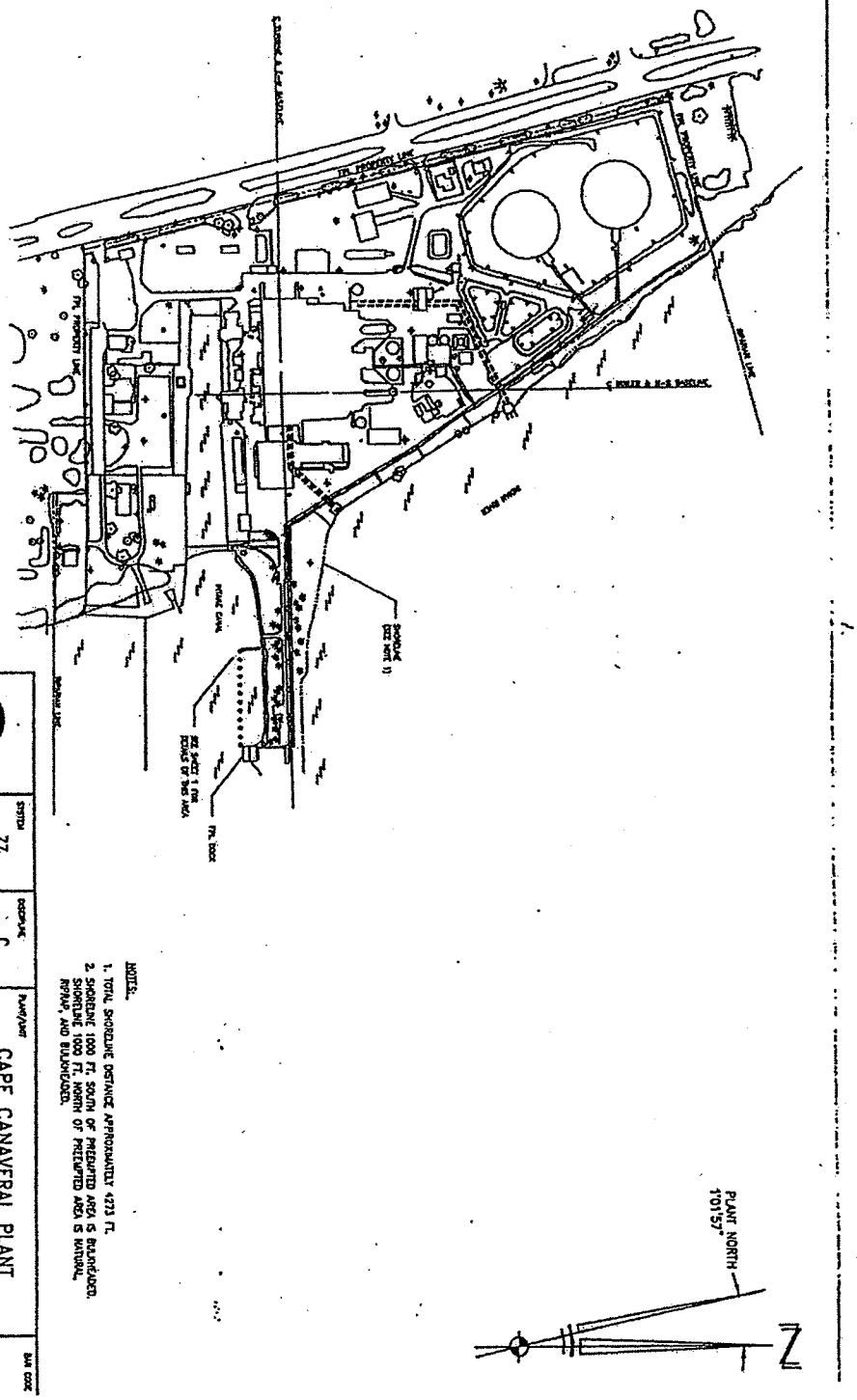
11-30-98 Sketch revised to show pilings WA

SCALE 1/4"= 1'-0"

SCALE 3/8"= 1'-0"

WALKDOWN INFORMATION			TECHNICAL ACCEPTANCE		
AS-BUILT INFORMATION	ORG		ENGINEERING ORGANIZATION	ORG	
	BY			BY	
	DATE			DATE	

REV	DATE	REVISION DESCRIPTION	BY	CH	COR	VFR	ORG
0	6-25-98	ISSUED FOR USE	NRG	SD	DW	GPA	



NOTES:

1. TOTAL SHORELINE DISTANCE APPROXIMATELY 4273 FT.
2. SHORELINE 1000 FT. SOUTH OF PREEMPTED AREA IS BULKHEADED. SHORELINE 1000 FT. NORTH OF PREEMPTED AREA IS NATURAL, RIPRAP, AND BULKHEADED.

FPL

SYSTEM	ZZ
SCALE	N/A
DRAWING SIZE	B(11"X17")
DISCIPLINE	C
DWG FILE NAME	C0002106
FPL ARCHIVE NAME	C0002106
PLANT/UNIT	CAPE CANAVERAL PLANT
TITLE	SOVEREIGN SUBMERGED LANDS LEASE GSR No. 050026 EXHIBIT 'A'
SHEET	2
REV	0
DRAWING NUMBER	PCC1-C0052-ZZ

BAR CODE

CFN:2003094188
OR Book/Page: 4865 / 2437

CAPE CANAVERAL PLANT
SUMMARY LEGAL DESCRIPTION

PARCEL NO. 1:
(Title vested by virtue of Deed recorded in ORB 526/2).

Government Lot 3, Section 19, Township 23 South, Range 36 East, together with an easement over and across the North fifty (50) feet of the South two hundred eighty (280) feet of Rosevear Terrace Subdivision lying West of U. S. Highway #1, in Brevard County, Florida.

PARCEL NO. 2:
(Title vested by virtue of Deed recorded in ORB 870/266).

Begin at the concrete post at the west quarter section corner of Section 19, Township 23 South, Range 36 East, Brevard County, Florida, said post being the Northwest corner of U. S. Lot 3, said Section; thence run South 89 degrees, 52 minutes, 30 seconds East on the quarter section line or North side of U. S. Lot 3 a distance of 1320.5 feet to a concrete monument which replaced old coquina post at the Northeast corner of said U. S. Lot 3 for the point of beginning of land herein described; thence for a first course, run North 36 degrees, 30 minutes East along the northwesterly line of lands formerly owned by P. D. Shuping, a distance of 307.1 feet to a concrete monument; thence for a second curse, run North 25 degrees, 11 minutes, 25 seconds West a distance of 16 feet to a concrete post; thence for a third course, run South 80 degrees, 13 minutes, 30 seconds West parallel to the North line of Norman Carhart deed as recorded in Deed Book 194, page 124, Public Records of said County a distance of 274.6 feet to an iron pipe; thence for a fourth course, run South and parallel to the West line of Section 19, a distance of 215 feet to an iron rod on the North line of U. S. Lot 3 or the quarter section line; thence for a fifth course, run South 89 degrees, 52 minutes, 50 seconds East along the North line of said U. S. Lot 3 a distance of 95.57 feet to a concrete monument at the Northeast corner of said U. S. Lot 3, which is the point of beginning; together with right of way 16 feet wide described as follows: From the aforesaid point of beginning, run North 36 degrees, 30 minutes East along the northwesterly line of land formerly owned by P. D. Shuping a distance of 307.1 feet to a concrete monument for the point of beginning of said right of way; thence for a first course, run North 65 degrees, 37 minutes, 13 seconds East 70.13 feet to a concrete monument on the West right of way line of new U. S. Highway No. 1; thence for a second course, run North 13 degrees, 52 minutes, 00 seconds West along said right of way line 16.32 feet to a point; thence for a third course, run South 65 degrees, 37 minutes, 13 seconds West 72.90 feet to a concrete monument; thence for a fourth course, run Southeasterly 16 feet more or less to the point of beginning.

PARCEL NO. 3:
(Title vested by virtue of Deed recorded in ORB 524/618).

All of Lot One (1) of the resubdivision of Rosevear Terrace Subdivision lying west of the west right of way line of new U. S. No. 1 Highway, except the south two hundred thirty (230) feet, said resubdivision being recorded in Plat Book 8, page 40, of the Public Records of Brevard County, Florida, subject to a fifty (50) foot easement running east and west on the south side of said property.

PARCEL NO. 4:
(Title vested by virtue of Deed recorded in ORB 526/620).

The North One hundred eighty (180) feet of the South two

Continued on next page

CFN:2003094188
OR Book/Page: 4865 / 2438

hundred thirty (230) feet of that part of Rosevear Terrace Subdivision lying west of the west right of way line of New U. S. No. 1 Highway, said plat of Rosevear Terrace Subdivision being recorded in Plat Book 8, page 40, Public Records of Brevard County, Florida.

PARCEL NO. 5:
(Title vested by virtue of Deed recorded in ORB 526/955).

A tract of land located in Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, described as follows:

From an iron pipe on the range line, which is 713.10 feet north of the quarter section corner on the west side of said Section nineteen (19), which is a point of reference, run north seventy-five (75) degrees, nine (9) minutes east and parallel to the south line of the Delespine Grant, a distance of 1548.24 feet to an iron pipe on the east line of the right of way of U. S. Highway No. 1 also known as Dixie Highway, as presently located, which is the point of beginning of the land herein described, and from the said point of beginning, for a first course, run south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east on the east right of way line of U. S. Highway No. 1 (which is also known as State Road No. 5), a distance of 295 feet to the northwest corner of the land conveyed to Carl W. and Alice C. Hopps by deed recorded in Book 264, page 475, Official Records of Brevard County, Florida; thence for a second course, run north forty-seven (47) degrees, sixteen (16) minutes, forty-two (42) seconds east on the north line of the land conveyed to Carl W. and Alice C. Hopps aforesaid, a distance of 528 feet, more or less, to and into the waters of the Indian River; thence return to the point of beginning, and for a third course, run north seventy-five (75) degrees, nine (9) minutes east, a distance of 449.76 feet to an iron pipe on the west bank of the Indian River, and continue the said course to and into the waters of the Indian River; and thence for a fourth course, run south thirty-six (36) degrees, fifty-eight (58) minutes east in the waters edge of the Indian River, a distance of 46.18 feet, more or less, to the eastern terminus of the second course, which is the northeast corner of the land conveyed to Carl W. and Alice C. Hopps as aforesaid.

Together with the riparian and littoral rights and the submerged lands in Indian River appertaining to said property.

PARCEL NO. 6:
(Title vested by virtue of Judgment recorded in CCMB 47/102).

Beginning at a point on the west line of fractional Section 19, Township 23 South, Range 36 East, which point is 713.10 feet north of the northwest corner of said northwest quarter (NW 1/4) of the southwest quarter (SW 1/4) of said fractional Section 19; thence run north seventy-five (75) degrees, nine (9) minutes east parallel with the south line of the Delespine Grant, 1548.24 feet to a point on the east right of way of U. S. No. 1 (Dixie Highway) as presently located; thence south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east along said east right of way line 295 feet to the point of beginning; from said point of beginning, for a first course, continue south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east along said east right of way line, two hundred (200) feet; thence for a second course, run north forty-nine (49) degrees, twenty-four (24) minutes, forty

Continued on next page

CFN:2003094188
OR Book/Page: 4865 / 2439

(40) seconds east, six hundred (600) feet, more or less, to and into the waters of the Indian River; thence return to the point of beginning; thence for a third course, run north forty-seven (47) degrees, sixteen (16) minutes, forty-two (42) seconds east, five hundred twenty-eight (528) feet, more or less, to and into the waters of the Indian River; thence for a fourth course, run southeasterly along the waters of the Indian River, two hundred (200) feet, more or less, to the above described termination of said second course. All being and lying in fractional Section Nineteen (19), Township Twenty-three (23) South, Range Thirty-six (36) East, in Brevard County, Florida. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PARCEL NO. 7:
(Title vested by virtue of Deed recorded in ORB 524/946).

Commencing at a concrete monument which is the southwest corner of Government Lot two (2), Section Nineteen (19), Township Twenty-three (23) South, Range Thirty-six (36) East, Brevard County, Florida; thence run north along the west section line of said Section Nineteen (19), a distance of three hundred forty-nine and sixty-three hundredths (349.63) feet to an iron pipe; thence north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east, a distance of one thousand five hundred seventy-nine and fifty hundredths (1579.50) feet to a concrete monument on the west right of way line of U. S. Highway No. 1; thence continuing north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east a distance of sixty-six and twenty-three hundredths (66.23) feet across U. S. Highway No. 1 to a concrete monument on the east right of way of said U. S. Highway No. 1 and the point of beginning of the lands herein described; thence north forty-nine (49) degrees, seven (7) minutes, twenty (20) seconds east six hundred eight and seventy-eight hundredths (608.78) feet to an iron pipe on the shore of the Indian River; thence southeasterly along the shore line of the Indian River two hundred ninety-nine and five hundredths (299.05) feet to an iron pipe; thence south sixty-three (63) degrees, twenty (20) minutes, twenty-five (25) seconds west, six hundred sixty-three and ninety-five hundredths (663.95) feet to a concrete monument on the east right of way line of U. S. Highway No. 1; thence north fourteen (14) degrees, twenty-four (24) minutes, forty (40) seconds west, one hundred fifty (150) feet to a concrete monument and the point of beginning. TOGETHER with all riparian rights thereunto appertaining.

PARCEL NO. 8:
(Title vested by virtue of Deed recorded in ORB 525/974).

Start at a concrete monument at the southwest corner of Government Lot 2, Section 19, Township 23 South, Range 36 East, Brevard County, Florida, go north along Section line 349.63 feet to an iron pipe; thence north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east, 1645.5 feet to an iron pipe set on the east right of way line of U. S. Highway No. 1, as presently located; thence south fourteen (14) degrees, thirty-six (36) minutes east along said east right of way line, a distance of 150 feet to a concrete monument for a point of beginning of lands hereby conveyed; thence north sixty-three (63) degrees, thirty-one (31) minutes, east along south line of lands described in Deed Book 410, page 622, Public Records of Brevard County, Florida, a distance of 664.1 feet to a stone set on the shore of the Indian River; thence

Continued on next page

CFN:2003094188
OR Book/Page: 4865 / 2440

southeasterly along said shore line, a distance of 76 feet, thence westerly to a point on the east right of way line of U. S. Highway No. 1, said point being 51 feet south-easterly measured along said right of way line from the point of beginning; thence northwesterly along said right of way line, a distance of 51 feet to the point of beginning.

In addition thereto, all riparian and littoral rights thereunto appertaining.

PARCEL NO. 9:
(Title vested by virtue of Deed recorded in ORB 525/974).

Beginning on the west shore of the Indian River at the southeast corner of Parcel No. 8, thence run southeasterly along the shore line of the Indian River to the southeast corner of property described in Deed Book 369, page 525, Public Records of Brevard County, Florida; thence continue westerly along said south line of property described in Deed Book 369, page 525, Public Records of Brevard County, Florida, a distance of 340 feet; thence run northerly to an iron pipe located on the south line of the property described as Parcel No. 8 above, said point being located 330 feet, more or less, measured along said south line of Parcel No. 8 from the waters of the Indian River and easterly 310 feet measured along said south line from the east right of way line of U.S. Highway No. 1; thence easterly along the south line of property described as Parcel No. 8 to the point of beginning. In addition thereto, all riparian and littoral rights thereunto appertaining,

This conveyance is made subject to an easement ten (10) feet wide, extending from the land hereinabove described to the waters of the Indian River, which was reserved in the deed executed by Edward Lawton and Marie Lawton to Delmer H. Roberts, dated March 1, 1957, and recorded in Deed Book 442, page 251, Public Records of Brevard County, Florida.

PARCEL NO. 10:
(Title vested by virtue of Deed recorded in ORB 525/663).

From the Coquina monument at the northeast corner of U. S. Government Lot 3, being the northeast corner of the west-half (W 1/2) of the southwest quarter (SW 1/4) of fractional Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, run the northwesterly line of the Rosevear Terrace Subdivision (according to the plat of said subdivision recorded in Plat Book 4, page 70, and replatted according to plat recorded in Plat Book 8, page 40, Public Records of Brevard County, Florida), on a course of north thirty-six (36) degrees, thirty (30) minutes east, a distance of 307.1 feet to an iron pipe; thence run the northerly line of the said Rosevear Terrace Subdivision, being the northerly line of P. D. Shuping's land, on a course of north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of 212.7 feet to a concrete post on the east side of the right of way of U. S. Highway No. 1, which point is the point of beginning of the land herein described; from the said point of beginning, run north fourteen (14) degrees, thirty-six (36) minutes west on the east side of the right of way of U. S. Highway No. 1, a distance of one hundred (100) feet, more or less, to the south line of the land conveyed by Edward and Maria Lawton to Delmer H. Roberts by deed recorded in Deed Book 437, page 232; thence run easterly on the south line of the land conveyed by Edward

Continued on next page

CFN:2003094188
OR Book/Page: 4865 / 2441

and Marie Lawton to Delmer H. Roberts, recorded in Deed Book 437, page 232 aforesaid, a distance of 310 feet, more or less, to an iron pipe in a ditch located at the northwest corner of the lands conveyed by Edward and Marie Lawton to Delmer H. Roberts by deed recorded in Deed Book 442, page 251; thence run southerly on the west line of the lands conveyed to Delmer H. Roberts in Deed Book 242, page 251, a distance of 100 feet, more or less, to the north line of the Rosevear Terrace Subdivision aforesaid; and thence run South sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds west on the north line of the Rosevear Terrace Subdivision aforesaid, a distance of 394.8 feet, more or less, to the point of beginning.

ALSO, all of the right, title and interest of the parties of the first part in and to the easement ten (10) feet wide, extending from the land hereinabove described to the waters of the Indian River, which was reserved in the deed executed by them to Delmer H. Roberts, dated March 1, 1957, and recorded in Deed Book 442, page 251, Public Records of Brevard County, Florida.

PARCEL NO. 11:
(Title vested by virtue of Judgment recorded in CCMB 47/102).

A tract of land situated in government lot two of Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, described as follows: From the Northeast corner of the west half of the southwest quarter (SW 1/4) of Section nineteen (19) aforesaid, which is a point of reference, run the boundary of the Rosevear Terrace Subdivision (the plat of which is recorded in Plat Book 4, page 70, Public Records of Brevard County, Florida) north thirty-six (36) degrees, thirty (30) minutes east, a distance of three hundred seven and one-tenth (307.1) feet, and thence north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of two hundred twelve and seven tenths (212.7) feet to a point on the east side of the right of way of State Road No. 5, also known as U. S. Highway No. 1, which is the point of beginning of the land herein described, and from the said point of beginning, continue on the north line of the Rosevear Terrace Subdivision, north sixty four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of seven hundred thirty-four and eight tenths (734.8) feet, more or less, to the west bank of the Indian River; thence run southerly in the waters edge of the Indian River, a distance of one hundred ninety two (192) feet to a stake at the northeast corner of the lands of Conrad W. and Ruth D. Cramer, described in Deed Book 345, page 314; thence run westerly on the north line of the lands of Conrad W. and Ruth D. Cramer to a point on the east line of State Road No. 5, also known as U. S. Highway No. 1, which is 115 feet from the point of beginning; thence run northerly on the east line of the right of way of State Road No. 5, a distance of one hundred fifteen (115) feet to the point of beginning. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PARCEL NO. 12:
(Title vested by virtue of Judgment recorded in CCMB 47/102).

A tract of land situated in government lot two (2) of Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, described as follows: From the northeast corner of the west-half (W 1/2) of

Continued on next page

CFN:2003094188
OR Book/Page: 4865 / 2442

the southwest quarter (SW 1/4) of Section nineteen (19) aforesaid, which is a point of reference, run the boundary of the Rosevear Terrace Subdivision (the plat of which is recorded in Plat Book 4, page 70, Public Records of Brevard County, Florida) north thirty-six (36) degrees, thirty (30) minutes east, a distance of three hundred seven and one-tenth (307.1) feet, and thence north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of two hundred twelve and seven tenths (212.7) feet to a point on the east side of the right of way of State Road No. 5, also known as U. S. Highway No. 1, thence run southerly on the east line of the right of way of State Road No. 5, also known as U.S. Highway No. 1, a distance of one hundred fifteen (115) feet to the southwest corner of the lands of William Cramer, Jr., and Catherine Cramer, which is the point of beginning of the land herein described; thence run easterly on the south line of the lands of William Cramer, Jr., and Catherine Cramer to a point on the west shore of the Indian River, which is one hundred ninety two (192) feet southerly, as measured along the shore of the Indian River from the northeast corner of the Rosevear Terrace Subdivision; thence run southerly in the waters edge of the Indian River, a distance of one hundred and ninety two (192) feet to the northeast corner of the lands of Worth A. Overseker and Maud I. Overseker; thence run westerly on the north line of the lands of Worth A. Overseker and Maud I. Overseker to a point on the east right of way line of State Road No. 5, which is two hundred thirty (230) feet, measured on said right of way line from the north line of Rosevear Terrace Subdivision; thence run northerly on the east line of said State Road right of way line, a distance of one hundred fifteen (115) feet to the point of beginning. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PARCEL NO. 13:
(Title vested by virtue of Deed recorded in ORB 525/667).

Parcel A: Begin at an iron pipe on the East right of way line of U. S. Highway No. 1, which iron pipe is the corner of Shuping and Cramer lands, for POINT OF BEGINNING; thence Eastward along Shuping and Cramer line to an iron pipe set on the high water mark of the Indian River; thence Southeasterly along the high water mark of the Indian River, a distance of 384 feet to an iron pipe; thence Westerly to the East right of way line of U. S. Highway No. 1 to a point, which point is 230 feet from point of beginning, measured along the East right of way line of U. S. Highway No. 1; thence Northwesterly along said right of way line to a point of beginning, being part of Rosevear Terrace as per Plat recorded in Plat Book 4, page 70, of the Public Records of Brevard County, Florida, in Section 19, Township 23 South, Range 36 East, together with all riparian, littoral and shore rights thereunto belonging or in any wise appertaining.

Parcel B: Begin at an iron pipe at a point on the East right of way line of U. S. Highway No. 1, which point is 230 feet Southeasterly from Shuping-Cramer corner post, for POINT OF BEGINNING; thence Easterly along the Southerly line of Warren A. Shuping and Catherine J. Shuping, to an iron pipe set on the high water mark of the Indian River (which iron pipe is 384 feet Southeasterly from an iron pipe set on the Indian River, which iron pipe marks corner of Shuping-Cramer land); thence along the high water mark of the Indian River, a distance of 369.30 feet to an iron pipe which marks the corner of Shuping-Nash land; thence Westerly to a concrete post set on

Continued on next page

CFN:2003094188
OR Book/Page: 4865 / 2443

the East right of way line of U.S. Highway No. 1, which post is corner of Shuping-Nash land, which point is 231 feet measured along said right of way line from point of beginning; thence along the East right of way line of U. S. Highway No. 1 to point of beginning, being part of land in Rosevear Terrace as per Plat Book 4, page 70, of the Public Records of Brevard County, Florida, in Section 19, Township 23 South, Range 36 East, together with all and singular the rights, numbers, privileges, hereditaments, and appurtenances to the same belonging to or in any wise appertaining, and riparian, littoral and shore rights thereunto belonging or in any wise pertaining.

The land above described as PARCEL A and PARCEL B, being otherwise described as:

All that certain tract or parcel of land situate, lying and being in Government Lots 2 and 4, of Section 19, Township 23 south, Range 36 East, in Brevard County, Florida, and being more particularly described as follows:

Beginning at a concrete monument on the Easterly right of way line of U. S. Highway No. 1 (State Road No. 5), as presently located, 318.12 feet South of the North line of said Government Lot 4, (said concrete monument is South 40 degrees East 46.4 feet from the center of a concrete culvert under said U. S. Highway No. 1); thence, run South 89 degrees, 59 minutes, 40 seconds East, 1040 feet along the South line of Rosevear Terrace, according to plat of said subdivision recorded in Plat Book 4, page 70, of the Public Records of Brevard County, Florida, to a concrete monument set on the West bank of the Indian River, (an 8 inch palm bears South 58 degrees West 42 feet; a gum tree (7 inches) bears North 47 degrees West 53.5 feet), and thence continue on the same course to and into the waters of the Indian River; thence run Northwesterly, meandering the waters edge of the Indian River, a distance of 753 feet to an iron pipe set at the Southeast corner of the lands of Conrad W. Cramer and Ruth D. Cramer, husband and wife, as described in Deed Book 345, page 314, Public Records of Brevard County, Florida; thence run South 75 degrees, 14 minutes, 20 seconds West along the South line of said lands of Conrad W. Cramer and Ruth D. Cramer, as described in Deed Book 345, page 314, a distance of 824 feet to an iron pipe set on the Easterly right of way line of U.S. Highway No. 1 (State Road No. 5) as presently located; thence go South 15 degrees, 14 minutes, 40 seconds East along the Easterly right of way line of said U. S. Highway No. 1 (State Road No. 5) as presently located, a distance of 461 feet to the concrete monument set at the point of beginning, together with all riparian, littoral and shore rights thereunto belonging or in anywise pertaining.

PARCEL NO. 14:
(Title vested by virtue of Deed recorded in ORB 886/678).

That part of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida, more particularly described as follows, to-wit: Begin at the NW corner of the aforesaid Government Lot 4; thence run S on the W line of said Government Lot 4, 323.77 feet, to a coquina post; thence S 89 degrees, 35 minutes E 549.75 feet, or or less to a concrete post set on the E side of U. S. Highway No. 1, for the point of beginning. From said point of beginning run thence S 14 degrees, 45 minutes E along the E side of said Highway 275.49 feet, to a concrete post, which post is 266 feet, S of the point of beginning by right angle measurements; thence run S 89 degrees, 35 minutes E and parallel to the N line of said

Continued on next page

CFN:2003094188
OR Book/Page: 4865 / 2444

Government Lot 4 and 589.77 feet, S therefrom a distance of 1,007 feet, more or less, to a concrete post; thence continue E 30 feet, more or less, to and into the waters of the Indian River; thence Northwesterly meandering the waters of the Indian River to a point distant at right angle measurements S of the N line of said Government Lot 4, 323.77 feet, thence N 89 degrees, 35 minutes W and parallel to the N line of said Government Lot 4, 1,039.5 feet, more or less, to the point of beginning.

PARCEL NO. 15:
(Title vested by virtue of Deed recorded in ORB ___/___).

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida; thence South on the West line of said Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to the North line of said Lot 4 a distance of 549.75 feet to a concrete post on the East right of way line of U.S. Highway #1; thence Southeasterly along said East right of way line a distance of 266 feet South of the last course by perpendicular measure to a concrete post; thence East parallel to the North line of said Lot 4 a distance of 695.67 feet to a concrete post for a Point of Beginning; thence south a distance of 90 feet; thence East parallel to the North line of said Government Lot 4 a distance of 150 feet; thence North a distance of 90 feet; thence West along a line parallel to the North line of said Government Lot 4 a distance of 150 feet to the Point of Beginning; together with easement for road right of way 20 feet wide running East and West from the Indian River to said Highway and bordering said parcel on the South and together with all riparian, littoral and shore rights belonging or in anywise pertaining.

PARCEL NO. 16:
(Title vested by virtue of Deed recorded in ORB 858/333).

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida; thence South on the West line of said Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to the North line of said Lot 4 a distance of 549.75 feet to a concrete post on the East right-of-way line of U. S. Highway No. 1; thence Southeasterly along said East right-of-way line a distance of 266 feet (the 266 feet measured perpendicularly) to a concrete post; thence East parallel to North line of said Lot 4 a distance of 845 feet to a concrete post for point of beginning; thence South a distance of 90 feet; thence East parallel to the North line of said Lot 4 a distance of 90 feet; thence North a distance of 90 feet; thence West parallel to the North line of said Government Lot 4 a distance of 90 feet to the Point of Beginning and being in Government Lot 4, Section 19, Township 23 South, Range 36 East, together with easement for road right-of-way 20 feet wide running East and West from Indian River to said Highway and bordering said parcel on the South.

PARCEL NO. 17:
(Title vested by virtue of Deed recorded in ORB 858/336).

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida, thence South on the West line of said Lot 4 a distance of

Continued on next page

CFN:2003094188
OR Book/Page: 4865 / 2445

This Instrument Prepared By:
Pattie J. Scott
Recurring Revenue Section
Bureau of Public Land Administration
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LANDS LEASE RENEWAL

BOT No. 050024374
PA No. _____

THIS LEASE is hereby issued by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Lessor.

WITNESSETH: That for and in consideration of payment of the annual lease fees hereinafter provided and the faithful and timely performance of and compliance with all terms and conditions stated herein, the Lessor does hereby lease to Florida Power & Light Company, a Florida corporation, hereinafter referred to as the Lessee, the sovereignty lands described as follows:

A parcel of sovereignty submerged land in Section 19, Township 23 South, Range 36 East, in the Indian River, Brevard County, containing 64,100 square feet, more or less, as is more particularly described and shown on Attachment A, dated November 30, 1998.

TO HAVE THE USE OF the hereinabove described premises from January 1, 2008, the effective date of this lease renewal, through January 1, 2013, the expiration date of this lease renewal. The terms and conditions on and for which this lease renewal is granted are as follows:

1. USE OF PROPERTY: The Lessee is hereby authorized to operate an existing 1-slip docking/unloading facility exclusively to be used for mooring of barges and tugs vessels in conjunction with an upland fuel oil tank farm/power plant, without fueling facilities, with a sewage pumpout facility if it meets the regulatory requirements of the State of Florida Department of Environmental Protection or local authority, whichever entity applies the more stringent criteria, and without liveaboards as defined in paragraph 28, as shown and conditioned in Attachment A. All of the foregoing subject to the remaining conditions of this Lease.

2. LEASE FEES: The Lessee hereby agrees to pay to the Lessor an annual lease fee of $9,055.00 plus sales tax pursuant to Section 212.031, Florida Statutes, if applicable, within 30 days of the date of receipt of the invoice. The annual fee for the remaining years of the lease shall be adjusted pursuant to provisions of Section 18-21.011, Florida Administrative Code. The Division of State Lands will notify the Lessee in writing of the amount and the due date of the annual payment. The lease fee shall be remitted annually to the Division of State Lands as the agent for the Lessor, beginning with the effective and due date of this lease renewal, and each year thereafter until the term of this lease renewal terminates or expires.

3. WET SLIP RENTAL CERTIFICATION/SUPPLEMENTAL PAYMENT. (A) The Lessee shall provide upon request by the Lessor any and all information in a certified form needed to calculate the lease fee specified in paragraph two (2) above, including the income, as defined in subsection 18-21.003(26), Florida Administrative Code, derived directly or indirectly from the use of sovereignty submerged lands on an annual basis. When six percent (6%) of said annual income exceeds the base fee or minimum annual fee established pursuant to Rule 18-21.011, Florida Administrative Code, for any lease year during the term of this lease, the Lessor shall send the Lessee a supplemental invoice for the difference in the amounts for that lease year. (B) The instrument or agreement used by the Lessee to transfer or assign the right to use a wet slip at the leased docking facility to a third party shall include a provision that clearly notifies the wet slip renter/user/holder that if the wet slip renter/user/holder subsequently transfers his right to use said wet slip to another party, the instrument or agreement used to transfer said wet slip shall contain a provision that requires six percent (6%) of the annual gross income derived from said instrument or agreement for the use of said wet slip be paid to the Lessee who, upon receipt, shall report and transmit said amount to the Lessor. The instrument or agreement used by the Lessee to transfer a wet slip shall also include a provision that clearly notifies the wet slip renter/user/holder that no interest in said wet slip may be further transferred unless a substantially similar provision to the one contained in the preceding sentence is placed in each succeeding instrument or agreement used to transfer said wet slip to each new wet slip renter/user/holder.

4. LATE FEE ASSESSMENTS: The Lessee shall pay a late charge equal to interest at the rate of twelve percent (12%) per annum from the due date until paid on any lease fees due hereunder which are not paid within 30 days of their due dates.

5. EXAMINATION OF LESSEE'S RECORDS: For purposes of this lease renewal, the Lessor is hereby specifically authorized and empowered to examine, for the term of this lease renewal including any extensions thereto plus three (3) additional years, at all reasonable hours, the books, records, contracts, and other documents confirming and pertaining to the computation of annual lease payments as specified in paragraph two (2) above.

6. MAINTENANCE OF LESSEE'S RECORDS: The Lessee shall maintain separate accounting records for: (i)gross revenue derived directly from the use of the leased premises, (ii) the gross revenue derived indirectly from the use of the leased premises, and (iii) all other gross revenue derived from the Lessee's operations on the riparian upland property. The Lessee shall secure, maintain and keep all records for the entire term of this lease renewal plus three (3) additional years. This period shall be extended for an additional two (2) years upon request for examination of all records and accounts for lease verification purposes by the Lessor.

7. AGREEMENT TO EXTENT OF USE: This lease is given to the Lessee to use or occupy the leased premises only for those activities specified herein. The Lessee shall not change or add to the approved use of the leased premises as defined herein (e.g., from commercial to multi-family residential, from temporary mooring to rental of wetslips, from rental of wetslips to contractual agreement with third party for docking of cruise ships, from rental of recreational pleasure craft to rental or temporary mooring of charter/tour boats, from loading/offloading commercial to rental of wetslips, etc.), shall not change activities in any manner that may have an environmental impact that was not considered in the original authorization or regulatory permit, or shall not change the type of use of the riparian uplands without first obtaining a regulatory permit/modified permit, if applicable, and the Lessor's written authorization in the form of a modified lease, the payment of additional fees, if applicable, and, if applicable, the removal of any structures which may no longer qualify for authorization under the modified lease.

8. PROPERTY RIGHTS: The Lessee shall make no claim of title or interest to said lands hereinbefore described by reason of the occupancy or use thereof, and all title and interest to said land hereinbefore described is vested in the Lessor. The Lessee is prohibited from including, or making any claim that purports to include, said lands described or the Lessee's leasehold interest in said lands into any form of private ownership, including but not limited to any form of condominium or cooperative ownership. The Lessee is further prohibited from making any claim, including any advertisement, that said land, or the use thereof, may be purchased, sold, or re-sold.

9. INTEREST IN RIPARIAN UPLAND PROPERTY: During the term of this lease renewal, the Lessee shall maintain a leasehold or fee simple title interest in the riparian upland property and if such interest is terminated, the lease may be terminated at the option of the Lessor. Prior to sale and/or termination of the Lessee's leasehold or fee simple title interest in the upland property, Lessee shall inform any potential buyer or transferee of the Lessee's upland property interest of the existence of this lease renewal and all its terms and conditions and shall complete and execute any documents required by the Lessor to effect an assignment of this lease renewal, if consented to by the Lessor. Failure to do so will not relieve the Lessee from responsibility for full compliance with the terms and conditions of this lease renewal which include, but are not limited to, payment of all fees and/or penalty assessments incurred prior to such act.

10. ASSIGNMENT OF LEASE RENEWAL: This lease renewal shall not be assigned or otherwise transferred without prior written consent of the Lessor or its duly authorized agent. Such assignment or other transfer shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. Any assignment or other transfer without prior written consent of the Lessor shall be null and void and without legal effect.

11. INDEMNIFICATION/INVESTIGATION OF ALL CLAIMS: The Lessee shall investigate all claims of every nature arising out of this lease at its expense, and shall indemnify, defend and save and hold harmless the Lessor and the State of Florida from all claims, actions, lawsuits and demands arising out of this lease renewal.

12. VENUE: Lessee waives venue as to any litigation arising from matters relating to this lease renewal and any such litigation between Lessor and Lessee shall be initiated and maintained only in Leon County, Florida.

13. NOTICES/COMPLIANCE/TERMINATION: The Lessee binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Lessee, its successors and assigns. In the event the Lessee fails or refuses to comply with the provisions and conditions herein set forth, or in the event the Lessee violates any of the provisions and conditions herein, or fails or refuses to comply with the provisions and conditions herein set forth within 20 days of receipt of the Lessor's notice to correct, this lease renewal may be terminated by the Lessor upon thirty (30) days written notice to Lessee. If canceled, all of the above-described parcel of land shall revert to the Lessor. All costs and attorneys' fees incurred by the Lessor to enforce the provisions of this lease shall be paid by the Lessee. All notices required to be given to the Lessee by this lease renewal or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

Florida Power & Light Company.
Cape Canaveral Plant
Scott Stone, Plant General Manager
6000 North US Highway 1
Cocoa, Florida 32927-6002

The Lessee shall notify the Lessor by certified mail of any change to this address at least ten (10) days before the change is effective.

14. TAXES AND ASSESSMENTS: The Lessee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this lease renewal.

15. NUISANCES OR ILLEGAL OPERATIONS: The Lessee shall not permit the leased premises or any part thereof to be used or occupied for any purpose or business other than herein specified unless such proposed use and occupancy are consented to by the Lessor and the lease is modified accordingly, nor shall Lessee knowingly permit or suffer any nuisances or illegal operations of any kind on the leased premises.

16. MAINTENANCE OF FACILITY /RIGHT TO INSPECT: The Lessee shall maintain the leased premises in good condition, keeping the structures and equipment located thereon in a good state of repair in the interests of public health, safety and welfare. The leased premises shall be subject to inspection by the Lessor or its designated agent at any reasonable time.

17. NON-DISCRIMINATION: The Lessee shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicap, or marital status with respect to any activity occurring within the area subject to this lease renewal or upon lands adjacent to and used as an adjunct of the leased area. During the lease term, the Lessee shall post and maintain the placard furnished to the Lessee by the Lessor in a prominent and visible location on the leased premises or adjacent business office of the Lessee. It shall be the responsibility of the Lessee to post the placard in a manner which will provide protection from the elements, and, in the event that said placard becomes illegible at any time during the term of this lease renewal (including any extensions thereof), to notify the Lessor in writing, so that a replacement may be provided.

18. ENFORCEMENT OF PROVISIONS: No failure, or successive failures, on the part of the Lessor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Lessor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

19. PERMISSION GRANTED: Upon expiration or cancellation of this lease renewal all permission granted hereunder shall cease and terminate.

20. RENEWAL PROVISIONS: Renewal of this lease shall be at the sole option of the Lessor. Such renewal shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. In the event that Lessee is in full compliance with the terms of this lease renewal, the Lessee may apply in writing for a renewal. Such application for renewal must be received by Lessor no sooner than 120 days and no later than 30 days prior to the expiration date of the original or current term hereof. The term of any renewal granted by the Lessor shall commence on the last day of the previous lease term. If the Lessee fails to timely apply for a renewal, or in the event the Lessor does not grant a renewal, the Lessee shall vacate the leased premises and remove all structures and equipment occupying and erected thereon at its expense. The obligation to remove all structures authorized herein upon termination of this lease renewal shall constitute an affirmative covenant upon the riparian upland property more specifically described in Attachment B, which shall run with the title to said riparian upland property, and shall be binding upon Lessee and Lessee's successors in title or successors in interest.

21. REMOVAL OF STRUCTURES/ADMINISTRATIVE FINES: If the Lessee does not remove said structures and equipment occupying and erected upon the leased premises after expiration or cancellation of this lease renewal, such structures and equipment will be deemed forfeited to the Lessor, and the Lessor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Lessee at the address specified in Paragraph 13 or at such address on record as provided to the Lessor by the Lessee. However, such remedy shall be in addition to all other remedies available to the Lessor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

22. REMOVAL COSTS/LIEN ON RIPARIAN UPLAND PROPERTY: Any costs incurred by the Lessor in the removal of any structures and equipment constructed or maintained on state lands shall be paid by the Lessee and any unpaid costs and expenses shall constitute a lien upon the interest of the Lessee in the riparian upland property enforceable in summary proceedings as provided by law.

23. RECORDATION OF LEASE: The Lessee, at its own expense, shall record this fully executed lease renewal in its entirety in the public records of the county within which the lease site is located within fourteen (14) days after receipt, and shall provide to the Lessor within ten (10) days following the recordation a copy of the recorded lease in its entirety which contains the O.R. book and pages at which the lease is recorded.

24. RIPARIAN RIGHTS/FINAL ADJUDICATION: In the event that any part of any structure authorized hereunder is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Lessee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply with this paragraph shall constitute a material breach of this lease renewal agreement and shall be grounds for immediate termination of this lease renewal agreement at the option of the Lessor.

25. AMENDMENTS/MODIFICATIONS: This lease renewal is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this lease renewal must be in writing, must be accepted, acknowledged and executed by the Lessee and Lessor, and must comply with the rules and statutes in existence at the time of the execution of the modification or amendment. Notwithstanding the provisions of this paragraph, if mooring is authorized by this lease, the Lessee may install boatlifts within the leased premises without formal modification of the lease provided that (a) the Lessee obtains any state or local regulatory permit that may be required; and (b) the location or size of the lift does not increase the mooring capacity of the facility.

26. ADVERTISEMENT/SIGNS/NON-WATER DEPENDENT ACTIVITIES/ADDITIONAL ACTIVITIES/MINOR STRUCTURAL REPAIRS: No permanent or temporary signs directed to the boating public advertising the sale of alcoholic beverages shall be erected or placed within the leased premises. No restaurant or dining activities are to occur within the leased premises. The Lessee shall ensure that no permanent, temporary or floating structures, fences, docks, pilings or any structures whose use is not water-dependent shall be erected or conducted over sovereignty submerged lands without prior written consent from the Lessor. No additional structures and/or activities including dredging, relocation/realignment or major repairs or renovations to authorized structures, shall be erected or conducted on or over sovereignty, submerged lands without prior written consent from the Lessor. Unless specifically authorized in writing by the Lessor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Lessee to administrative fines under Chapter 18-14, Florida Administrative Code. This condition does not apply to minor structural repairs required to maintain the authorized structures in a good state of repair in the interests of public health, safety or welfare; provided, however, that such activities shall not exceed the activities authorized by this agreement.

27. COMPLIANCE WITH FLORIDA LAWS: On or in conjunction with the use of the leased premises, the Lessee shall at all times comply with all Florida Statutes and all administrative rules promulgated thereunder. Any unlawful activity which occurs on the leased premises or in conjunction with the use of the leased premises shall be grounds for the termination of this lease by the Lessor.

28. LIVEABOARDS: The term "liveaboard" is defined as a vessel docked at the facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within a thirty (30) day period. If liveaboards are authorized by paragraph one (1) of this lease, in no event shall such "liveaboard" status exceed six (6) months within any twelve (12) month period, nor shall any such vessel constitute a legal or primary residence.

29. GAMBLING VESSELS: During the term of this lease and any renewals, extensions, modifications or assignments thereof, Lessee shall prohibit the operation of or entry onto the leased premises of gambling cruise ships, or vessels that are used principally for the purpose of gambling, when these vessels are engaged in "cruises to nowhere," where the ships leave and return to the state of Florida without an intervening stop within another state or foreign country or waters within the jurisdiction of another state or foreign country, and any watercraft used to carry passengers to and from such gambling cruise ships.

30. SPECIAL LEASE CONDITIONS: Should a field survey acceptable to Lessor be required or obtained after the effective date of this lease, the annual lease fees due hereunder shall be adjusted to reflect the increase or decrease in the total preempted area shown by the survey. Any such adjustment shall be effective from the date of the acceptable survey and shall be prospective only. No reimbursement or credit shall be given to Lessee by Lessor for overages, and no charge shall be imposed by Lessor for shortages unless the error resulted from inaccurate information supplied by the Lessee.

WITNESSES:

Original Signature

Print/Type Name of Witness

Original Signature

Print/Type Name of Witness

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

(SEAL)

BY:

Jeffery M. Gentry, Operations and Management Consultant Manager, Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida

"LESSOR"

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 18th day of March, 2008 by Jeffery M. Gentry Operations and Management Consultant Manager, Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. He is personally known to me.

APPROVED AS TO FORM AND LEGALITY:

DEP Attorney

Notary Public, State of Florida

Printed, Typed or Stamped Name

My Commission Expires:

Notary Public State of Florida
Kathy C Griffin
My Commission DD727692
Expires 10/30/2011

Commission/Serial No.

WITNESSES:

Original Signature

Typed/Printed Name of Witness

Original Signature

Typed/Printed Name of Witness

Florida Power & Light Company, a Florida corporation

(SEAL)

BY:

Original Signature of Executing Authority

Stephen M. Reuwer
Typed/Printed Name of Executing Authority

Sr. Director Corporate Real Estate
Title of Executing Authority

"LESSEE"

STATE OF FL

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 26th day of December, 2007 by Stephen M. Reuwer as Sr. Director Corporate Real Estate of Florida Power & Light Company, a Florida corporation, for and on behalf of the corporation. He is personally known to me or who has produced _____, as identification.

My Commission Expires:

Notary Public State of Florida
Michelle M Kahmann
My Commission DD683640
Expires 09/18/2011

Commission/Serial No.

Notary Signature

Notary Public, State of FL

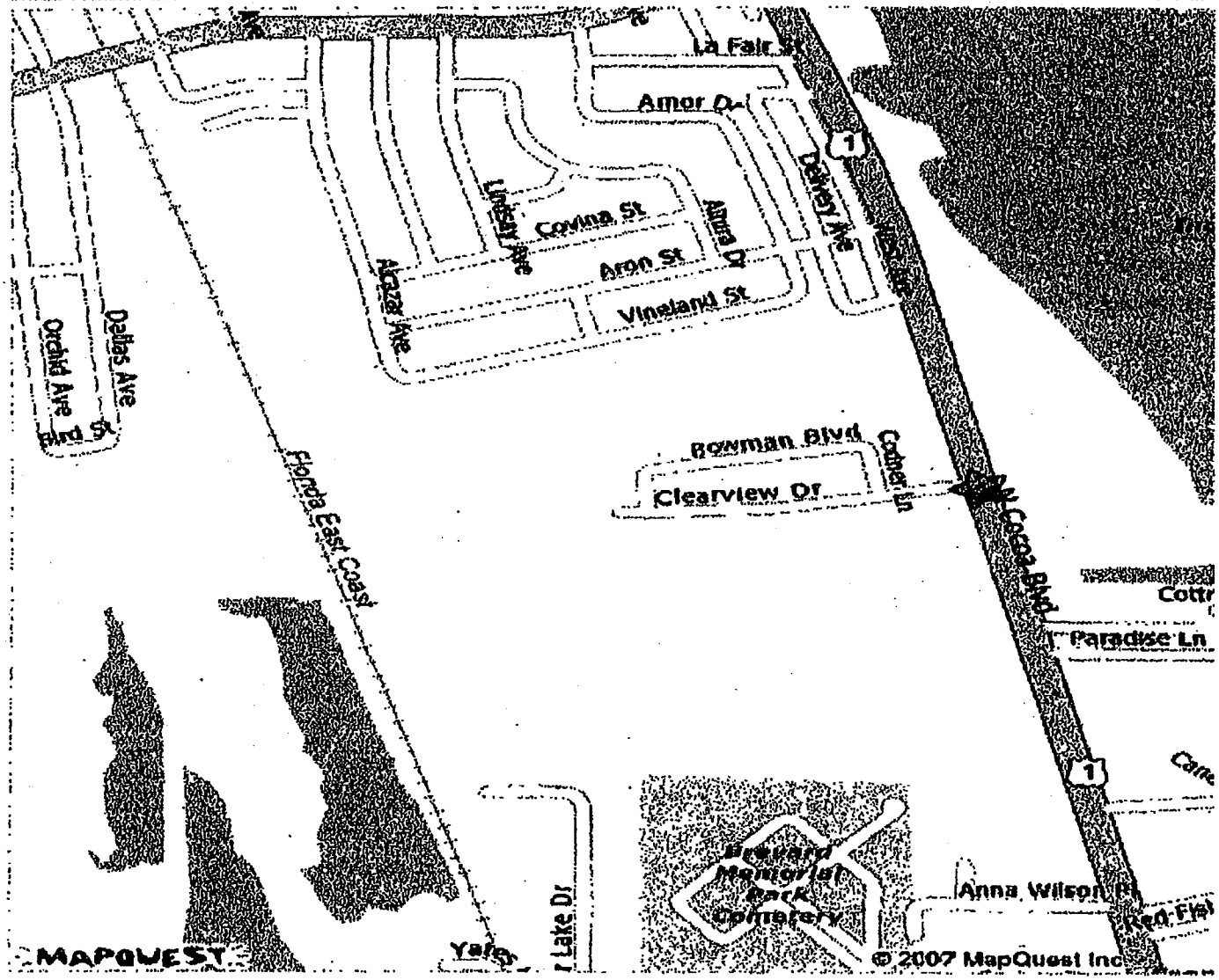
Michelle M. Kahmann

Printed, Typed or Stamped Name

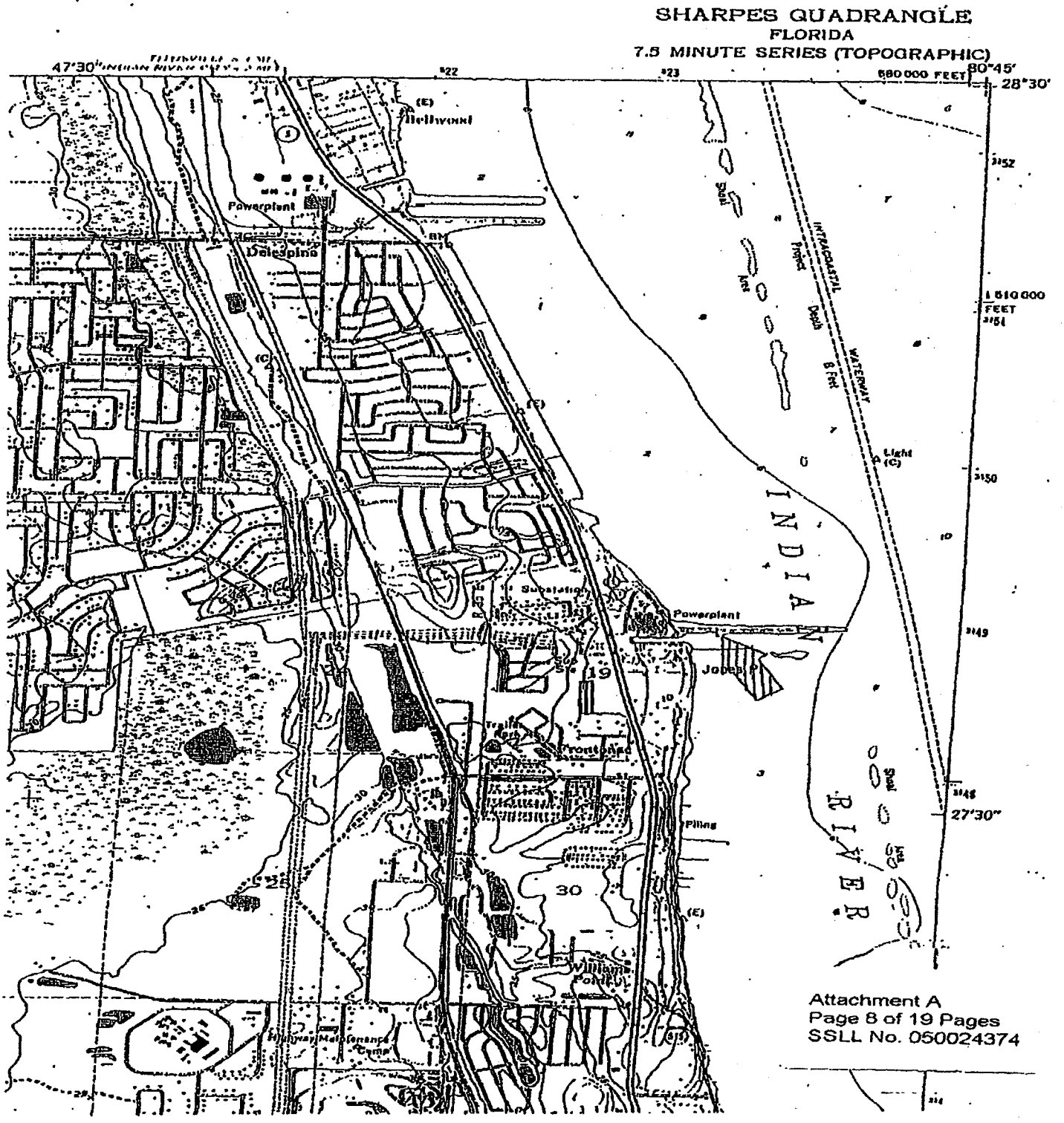
★ 6000 N Cocoa Blvd

Cocoa, FL 32927-6002, US

Sorry! When printing directly from the browser your map may be incorrectly
entire map, try clicking the **"Printer-Friendly"** link at the top of your result



Attachment A
Page 7 of 19 Pages
SSLL No. 050024374

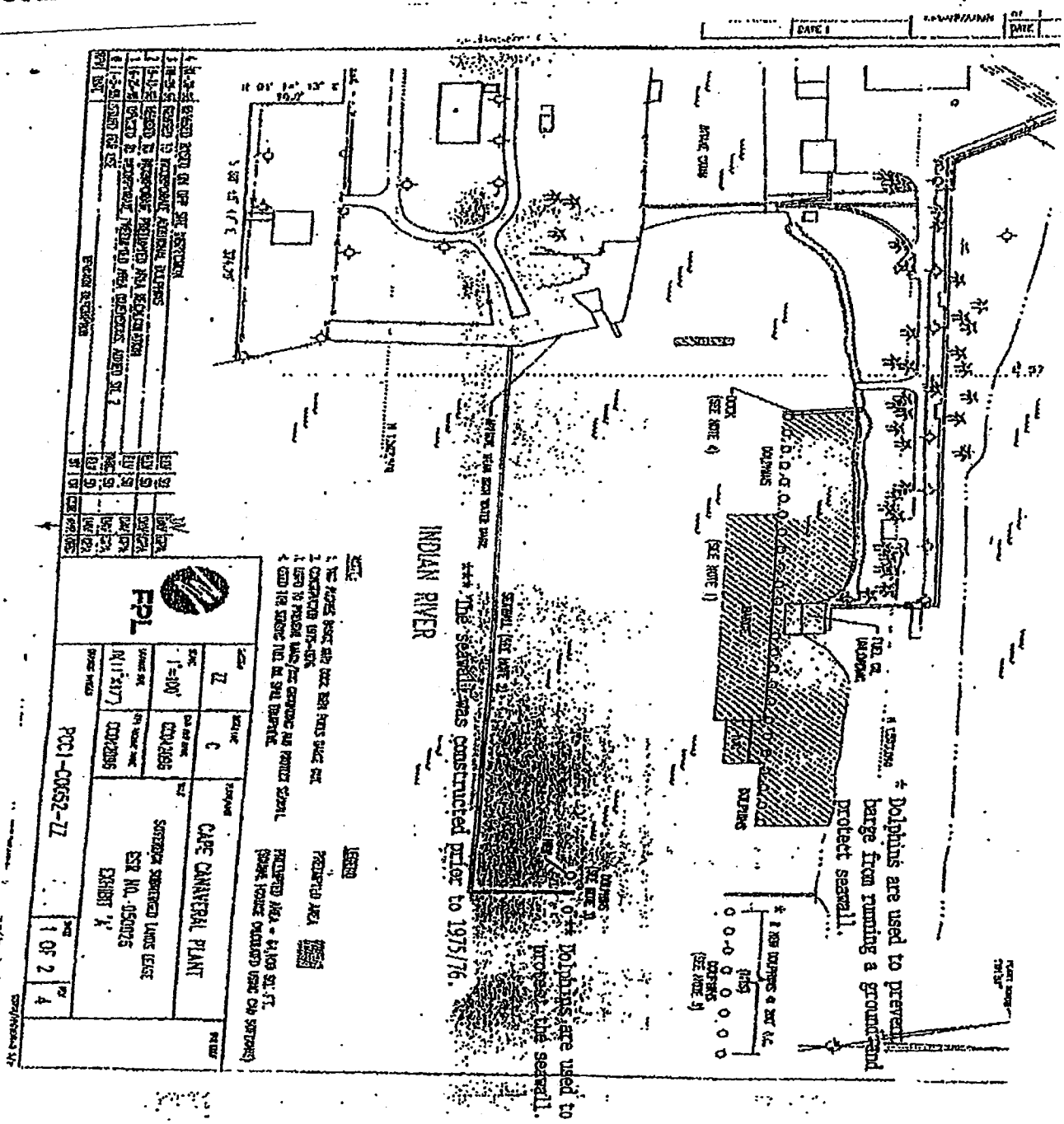

SHARPES QUADRANGLE
FLORIDA
7.5 MINUTE SERIES (TOPOGRAPHIC)
47°30'
680 000 FEET
80°45'
28°30'
Powerplant
Dale Spina
INTRACOASTAL WATERWAY
Depth 8 Feet
Light (C)
INDIAN
RIVER
Powerplant
Jetty
Pilings
27°30'
Williams Point
Attachment A
Page 8 of 19 Pages
SSLL No. 050024374

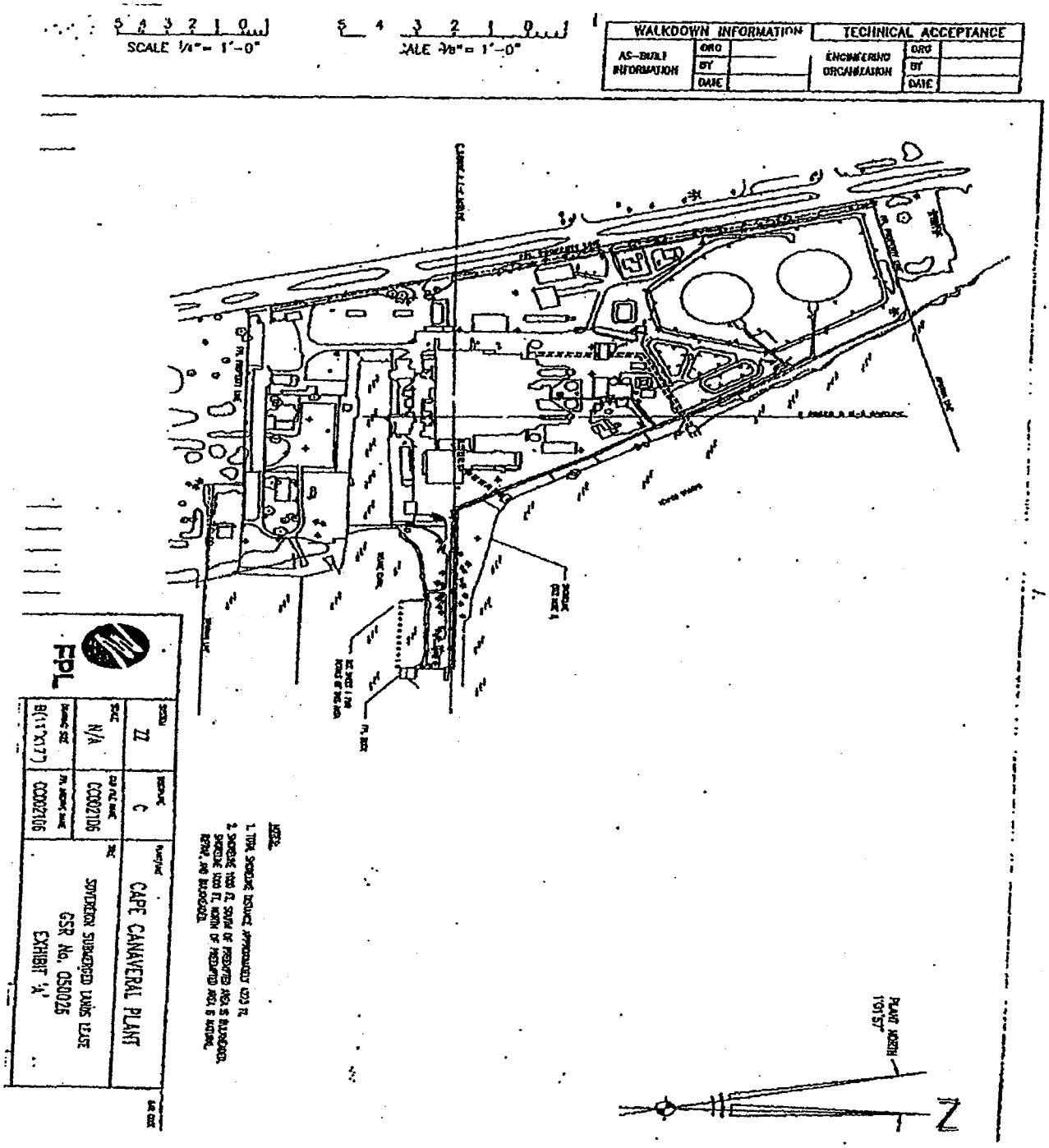
FLORIDA POWER & LIGHT
CAPE CANAVERAL PLANT
BREVARD COUNTY FLORIDA
GSR NO. 050026

A parcel of submerged land located in Section 19, Township 23 South, Range 36 East, Brevard County, Indian River (waterbody) containing 64,100 square feet, as described on the attached sketch labeled as Exhibit A and dated November 30, 1998, located immediately waterward of that upland propety with the legal description in the attached summary legal description labeled as Exhibit B.

[LEGAL DESCRIPTION(S)AS DESCRIBED IN THOSE CERTAIN WARRANTY DEED(S), BETWEEN RAPPE DEVELOPMENT COMPANY, ROBERT W. BRUCE AND MILDRED C. BRUCE, HUSBAND AND WIFE, P.D. SHUPING,UNMARRIED, FREDERICK O. RIPON AND MILDRE M. RIPON, HUSBAND AND WIFE, ALBERT RAMOS AND KATHERINE RAMOS,HUSBAND AN WIFE, CHARLES HERMAN AND ERMA EILEEN HERMAN, HIS WIFE,L.A. PERRIN, AS TRUSTEE, AND INDIVIDUALLY, JOINED BY HIS WIFE, LENELLE PERRIN, EDWARD LAWTON AND MARIE LAWTON, HUSBAND AND WIFE, WORTH A. OVERACKER AND MAUD I. OVERACKER, HUSBAND AND WIFE, JAMES H. SWEENY, JR. AND CHRISTINE B. SWEENY, HIS WIFE, PALMER B. CONNER AND HELEN H. CONNER,HUSBAND AND WIFE, LYNN B. WHITEMAN AND JULIA C. WHITEMAN, HUSBAND AND WIFE,FRANK A. ROBINSON AND HIS WIFE, GLADYS M. ROBINSON, GRANTORS AND FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, GRANTEE, AS RECORDED IN THE ATTACHED SUMMARY OF LEGAL DESCRIPTION(S), OFFICIAL RECORDS OF BREVARD COUNTY, FLORIDA, OTHERWISE KNOWN AS ATTACHMENT B TO THIS LEASE INSTRUMENT.]

Attachment A
Page 10 of 19 Pages
SSLL No. 050024374





Attachment A
Page 11 of 19 Pages
SSLL No. 050024374

EXHIBIT B

CAPE CANAVERAL PLANT
SUMMARY LEGAL DESCRIPTION

PARCEL NO. 1:
(Title vested by virtue of Deed recorded in ORB 526/2).

Government Lot 3, Section 19, Township 23 South, Range 36 East, together with an easement over and across the North fifty (50) feet of the South two hundred eighty (280) feet of Rosevear Terrace Subdivision lying West of U. S. Highway #1, in Brevard County, Florida.

PARCEL NO. 2:
(Title vested by virtue of Deed recorded in ORB 870/266).

Begin at the concrete post at the west quarter section corner of Section 19, Township 23 South, Range 36 East, Brevard County, Florida, said post being the Northwest corner of U. S. Lot 3, said Section; thence run South 89 degrees, 52 minutes, 30 seconds East on the quarter section line or North side of U. S. Lot 3 a distance of 1320.5 feet to a concrete monument which replaced old coquina post at the Northeast corner of said U. S. Lot 3 for the point of beginning of land herein described; thence for a first course, run North 36 degrees, 30 minutes East along the northwesterly line of lands formerly owned by P. D. Shuping, a distance of 307.1 feet to a concrete monument; thence for a second curse, run North 25 degrees, 11 minutes, 25 seconds West a distance of 16 feet to a concrete post; thence for a third course, run South 80 degrees, 13 minutes, 30 seconds West parallel to the North line of Norman Carhart deed as recorded in Deed Book 194, page 124, Public Records of said County a distance of 274.6 feet to an iron pipe; thence for a fourth course, run South and parallel to the West line of Section 19, a distance of 215 feet to an iron rod on the North line of U. S. Lot 3 or the quarter section line; thence for a fifth course, run South 89 degrees, 52 minutes, 50 seconds East along the North line of said U. S. Lot 3 a distance of 95.57 feet to a concrete monument at the Northeast corner of said U. S. Lot 3, which is the point of beginning; together with right of way 16 feet wide described as follows: From the aforesaid point of beginning, run North 36 degrees, 30 minutes East along the northwesterly line of land formerly owned by P. D. Shuping a distance of 307.1 feet to a concrete monument for the point of beginning of said right of way; thence for a first course, run North 65 degrees, 37 minutes, 13 seconds East 70.13 feet to a concrete monument on the West right of way line of new U. S. Highway No. 1; thence for a second course, run North 13 degrees, 52 minutes, 00 seconds West along said right of way line 16.32 feet to a point; thence for a third course, run South 65 degrees, 37 minutes, 13 seconds West 72.90 feet to a concrete monument; thence for a fourth course, run Southeasterly 16 feet more or less to the point of beginning.

PARCEL NO. 3:
(Title vested by virtue of Deed recorded in ORB 524/618).

All of Lot One (1) of the resubdivision of Rosevear Terrace Subdivision lying west of the west right of way line of new U. S. No. 1 Highway, except the south two hundred thirty (230) feet, said resubdivision being recorded in Plat Book 8, page 40, of the Public Records of Brevard County, Florida, subject to a fifty (50) foot easement running east and west on the south side of said property.

PARCEL NO. 4:
(Title vested by virtue of Deed recorded in ORB 526/620).

The North One hundred eighty (180) feet of the South two

Continued on next page

hundred thirty (230) feet of that part of Roseveax Terrace Subdivision lying west of the west right of way line of New U. S. No. 1 Highway, said plat of Roseveax Terrace Subdivision being recorded in Plat Book 8, page 40, Public Records of Brevard County, Florida.

PARCEL NO. 5:
(Title vested by virtue of Deed recorded in ORB 526/955).

A tract of land located in Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, described as follows:

From an iron pipe on the range line, which is 713.10 feet north of the quarter section corner on the west side of said Section nineteen (19), which is a point of reference, run north seventy-five (75) degrees, nine (9) minutes east and parallel to the south line of the Delespine Grant, a distance of 1548.24 feet to an iron pipe on the east line of the right of way of U. S. Highway No. 1 also known as Dixie Highway, as presently located, which is the point of beginning of the land herein described, and from the said point of beginning, for a first course, run south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east on the east right of way line of U. S. Highway No. 1 (which is also known as State Road No. 5), a distance of 295 feet to the northwest corner of the land conveyed to Carl W. and Alice C. Hopps by deed recorded in Book 264, page 475, Official Records of Brevard County, Florida; thence for a second course, run north forty-seven (47) degrees, sixteen (16) minutes, forty-two (42) seconds east on the north line of the land conveyed to Carl W. and Alice C. Hopps aforesaid, a distance of 528 feet, more or less, to and into the waters of the Indian River; thence return to the point of beginning, and for a third course, run north seventy-five (75) degrees, nine (9) minutes east, a distance of 449.76 feet to an iron pipe on the west bank of the Indian River, and continue the said course to and into the waters of the Indian River; and thence for a fourth course, run south thirty-six (36) degrees, fifty-eight (58) minutes east in the waters edge of the Indian River, a distance of 46.18 feet, more or less, to the eastern terminus of the second course, which is the northeast corner of the land conveyed to Carl W. and Alice C. Hopps as aforesaid.

Together with the riparian and littoral rights and the submerged lands in Indian River appertaining to said property.

PARCEL NO. 6:
(Title vested by virtue of Judgment recorded in CCMB 47/102).

Beginning at a point on the west line of fractional Section 19, Township 23 South, Range 36 East, which point is 713.10 feet north of the northwest corner of said northwest quarter (NW 1/4) of the southwest quarter (SW 1/4) of said fractional Section 19; thence run north seventy-five (75) degrees, nine (9) minutes east parallel with the south line of the Delespine Grant, 1548.24 feet to a point on the east right of way of U. S. No. 1 (Dixie Highway) as presently located; thence south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east along said east right of way line 295 feet to the point of beginning; from said point of beginning, for a first course, continue south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east along said east right of way line, two hundred (200) feet; thence for a second course, run north forty-nine (49) degrees, twenty-four (24) minutes, forty

Continued on next page

(40) seconds east, six hundred (600) feet, more or less, to and into the waters of the Indian River; thence return to the point of beginning; thence for a third course, run north forty-seven (47) degrees, sixteen (16) minutes, forty-two (42) seconds east, five hundred twenty-eight (528) feet, more or less, to and into the waters of the Indian River; thence for a fourth course, run southeasterly along the waters of the Indian River, two hundred (200) feet, more or less, to the above described termination of said second course. All being and lying in fractional Section Nineteen (19), Township Twenty-three (23) South, Range Thirty-six (36) East, in Brevard County, Florida. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PARCEL NO. 7:
(Title vested by virtue of Deed recorded in ORB 524/946).

Commencing at a concrete monument which is the southwest corner of Government Lot two (2), Section Nineteen (19), Township Twenty-three (23) South, Range Thirty-six (36) East, Brevard County, Florida; thence run north along the west section line of said Section Nineteen (19), a distance of three hundred forty-nine and sixty-three hundredths (349.63) feet to an iron pipe; thence north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east, a distance of one thousand five hundred seventy-nine and fifty hundredths (1579.50) feet to a concrete monument on the west right of way line of U. S. Highway No. 1; thence continuing north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east a distance of sixty-six and twenty-three hundredths (66.23) feet across U. S. Highway No. 1 to a concrete monument on the east right of way of said U. S. Highway No. 1 and the point of beginning of the lands herein described; thence north forty-nine (49) degrees, seven (7) minutes, twenty (20) seconds east six hundred eight and seventy-eight hundredths (608.78) feet to an iron pipe on the shore of the Indian River; thence southeasterly along the shore line of the Indian River two hundred ninety-nine and five hundredths (299.05) feet to an iron pipe; thence south sixty-three (63) degrees, twenty (20) minutes, twenty-five (25) seconds west, six hundred sixty-three and ninety-five hundredths (663.95) feet to a concrete monument on the east right of way line of U. S. Highway No. 1; thence north fourteen (14) degrees, twenty-four (24) minutes, forty (40) seconds west, one hundred fifty (150) feet to a concrete monument and the point of beginning. TOGETHER with all riparian rights thereunto appertaining.

PARCEL NO. 8:
(Title vested by virtue of Deed recorded in ORB 525/974).

Start at a concrete monument at the southwest corner of Government Lot 2, Section 19, Township 23 South, Range 36 East, Brevard County, Florida, go north along Section line 349.63 feet to an iron pipe; thence north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east, 1645.5 feet to an iron pipe set on the east right of way line of U. S. Highway No. 1, as presently located; thence south fourteen (14) degrees, thirty-six (36) minutes east along said east right of way line, a distance of 150 feet to a concrete monument for a point of beginning of lands hereby conveyed; thence north sixty-three (63) degrees, thirty-one (31) minutes, east along south line of lands described in Deed Book 410, page 622, Public Records of Brevard County, Florida, a distance of 664.1 feet to a stone set on the shore of the Indian River; thence

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southeasterly along said shore line, a distance of 76 feet, thence westerly to a point on the east right of way line of U. S. Highway No. 1, said point being 51 feet south-easterly measured along said right of way line from the point of beginning; thence northwesterly along said right of way line, a distance of 51 feet to the point of beginning.

In addition thereto, all riparian and littoral rights thereunto appertaining.

PARCEL NO. 9:
(Title vested by virtue of Deed recorded in ORB 525/974).

Beginning on the west shore of the Indian River at the southeast corner of Parcel No. 8, thence run southeasterly along the shore line of the Indian River to the southeast corner of property described in Deed Book 369, page 525, Public Records of Brevard County, Florida; thence continue westerly along said south line of property described in Deed Book 369, page 525, Public Records of Brevard County, Florida, a distance of 340 feet; thence run northerly to an iron pipe located on the south line of the property described as Parcel No. 8 above, said point being located 330 feet, more or less, measured along said south line of Parcel No. 8 from the waters of the Indian River and easterly 310 feet measured along said south line from the east right of way line of U.S. Highway No. 1; thence easterly along the south line of property described as Parcel No. 8 to the point of beginning. In addition thereto, all riparian and littoral rights thereunto appertaining,

This conveyance is made subject to an easement ten (10) feet wide, extending from the land hereinabove described to the waters of the Indian River, which was reserved in the deed executed by Edward Lawton and Maria Lawton to Delmer H. Roberts, dated March 1, 1957, and recorded in Deed Book 442, page 251, Public Records of Brevard County, Florida.

PARCEL NO. 10:
(Title vested by virtue of Deed recorded in ORB 525/663).

From the Coquina monument at the northeast corner of U. S. Government Lot 3, being the northeast corner of the west-half (W 1/2) of the southwest quarter (SW 1/4) of fractional Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, run the northwesterly line of the Roseveer Terrace Subdivision (according to the plat of said subdivision recorded in Plat Book 4, page 70, and replatted according to plat recorded in Plat Book 8, page 40, Public Records of Brevard County, Florida), on a course of north thirty-six (36) degrees, thirty (30) minutes east, a distance of 307.1 feet to an iron pipe; thence run the northerly line of the said Roseveer Terrace Subdivision, being the northerly line of P. D. Shuping's land, on a course of north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of 212.7 feet to a concrete post on the east side of the right of way of U. S. Highway No. 1, which point is the point of beginning of the land herein described; from the said point of beginning, run north fourteen (14) degrees, thirty-six (36) minutes west on the east side of the right of way of U. S. Highway No. 1, a distance of one hundred (100) feet, more or less, to the south line of the land conveyed by Edward and Maria Lawton to Delmer H. Roberts by deed recorded in Deed Book 437, page 232; thence run easterly on the south line of the land conveyed by Edward

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and Maria Lawton to Delmer H. Roberts, recorded in Deed Book 437, page 232 aforesaid, a distance of 310 feet, more or less, to an iron pipe in a ditch located at the northwest corner of the lands conveyed by Edward and Maria Lawton to Delmer H. Roberts by deed recorded in Deed Book 442, page 251; thence run southerly on the west line of the lands conveyed to Delmer H. Roberts in Deed Book 242, page 251, a distance of 100 feet, more or less, to the north line of the Rosevear Terrace Subdivision aforesaid; and thence run South sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds west on the north line of the Rosevear Terrace Subdivision aforesaid, a distance of 394.8 feet, more or less, to the point of beginning.

ALSO, all of the right, title and interest of the parties of the first part in and to the easement ten (10) feet wide, extending from the land hereinabove described to the waters of the Indian River, which was reserved in the deed executed by them to Delmer H. Roberts, dated March 1, 1957, and recorded in Deed Book 442, page 251, Public Records of Brevard County, Florida.

PARCEL NO. 11:
(Title vested by virtue of Judgment recorded in CCMB 47/102).

A tract of land situated in government lot two of Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, described as follows: From the Northeast corner of the west half of the southwest quarter (SW 1/4) of Section nineteen (19) aforesaid, which is a point of reference, run the boundary of the Rosevear Terrace Subdivision (the plat of which is recorded in Plat Book 4, page 70, Public Records of Brevard County, Florida) north thirty-six (36) degrees, thirty (30) minutes east, a distance of three hundred seven and one-tenth (307.1) feet, and thence north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of two hundred twelve and seven tenths (212.7) feet to a point on the east side of the right of way of State Road No. 5, also known as U. S. Highway No. 1, which is the point of beginning of the land herein described, and from the said point of beginning, continue on the north line of the Rosevear Terrace Subdivision, north sixty four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of seven hundred thirty-four and eight tenths (734.8) feet, more or less, to the west bank of the Indian River; thence run southerly in the waters edge of the Indian River, a distance of one hundred ninety two (192) feet to a stake at the northeast corner of the lands of Conrad W. and Ruth D. Cramer, described in Deed Book 345, page 314; thence run westerly on the north line of the lands of Conrad W. and Ruth D. Cramer to a point on the east line of State Road No. 5, also known as U. S. Highway No. 1, which is 115 feet from the point of beginning; thence run northerly on the east line of the right of way of State Road No. 5, a distance of one hundred fifteen (115) feet to the point of beginning. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PARCEL NO. 12:
(Title vested by virtue of Judgment recorded in CCMB 47/102).

A tract of land situated in government lot two (2) of Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, described as follows: From the northeast corner of the west-half (W 1/2) of

Continued on next page

the southwest quarter (SW 1/4) of Section nineteen (19), aforesaid, which is a point of reference, run the boundary of the Roseveer Terrace Subdivision (the plat of which is recorded in Plat Book 4, page 70, Public Records of Brevard County, Florida) north thirty-six (36) degrees, thirty (30) minutes east, a distance of three hundred seven and one-tenth (307.1) feet, and thence north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of two hundred twelve and seven tenths (212.7) feet to a point on the east side of the right of way of State Road No. 5, also known as U. S. Highway No. 1, thence run southerly on the east line of the right of way of State Road No. 5, also known as U.S. Highway No. 1, a distance of one hundred fifteen (115) feet to the southwest corner of the lands of William Cramer, Jr., and Catherine Cramer, which is the point of beginning of the land herein described; thence run easterly on the south line of the lands of William Cramer, Jr., and Catherine Cramer to a point on the west shore of the Indian River, which is one hundred ninety two (192) feet southerly, as measured along the shore of the Indian River from the northeast corner of the Roseveer Terrace Subdivision; thence run southerly in the waters edge of the Indian River, a distance of one hundred and ninety two (192) feet to the northeast corner of the lands of Worth A. Overseker and Maud I. Overseker; thence run westerly on the north line of the lands of Worth A. Overseker and Maud I. Overseker to a point on the east right of way line of State Road No. 5, which is two hundred thirty (230) feet, measured on said right of way line from the north line of Roseveer Terrace Subdivision; thence run northerly on the east line of said State Road right of way line, a distance of one hundred fifteen (115) feet to the point of beginning. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PARCEL NO. 11:
(Title vested by virtue of Deed recorded in ORB 525/667).

Parcel A: Begin at an iron pipe on the East right of way line of U. S. Highway No. 1, which iron pipe is the corner of Shuping and Cramer lands, for POINT OF BEGINNING; thence Eastward along Shuping and Cramer line to an iron pipe set on the high water mark of the Indian River; thence Southeasterly along the high water mark of the Indian River, a distance of 384 feet to an iron pipe; thence Westerly to the East right of way line of U. S. Highway No. 1 to a point, which point is 230 feet from point of beginning, measured along the East right of way line of U. S. Highway No. 1; thence Northwesterly along said right of way line to a point of beginning, being part of Roseveer Terrace as per Plat recorded in Plat Book 4, page 70, of the Public Records of Brevard County, Florida, in Section 19, Township 23 South, Range 36 East, together with all riparian, littoral and shore rights thereunto belonging or in any wise appertaining.

Parcel B: Begin at an iron pipe at a point on the East right of way line of U. S. Highway No. 1, which point is 230 feet Southeasterly from Shuping-Cramer corner post, for POINT OF BEGINNING; thence Easterly along the Southerly line of Warren A. Shuping and Catherine J. Shuping, to an iron pipe set on the high water mark of the Indian River (which iron pipe is 384 feet Southeasterly from an iron pipe set on the Indian River, which iron pipe marks corner of Shuping-Cramer land); thence along the high water mark of the Indian River, a distance of 369.30 feet to an iron pipe which marks the corner of Shuping-Nash land; thence Westerly to a concrete post set on

Continued on next page

the East right of way line of U.S. Highway No. 1, which post is corner of Shuping-Nash land, which point is 231 feet measured along said right of way line from point of beginning; thence along the East right of way line of U. S. Highway No. 1 to point of beginning, being part of land in Rosevear Terrace as per Plat Book 4, page 70, of the Public Records of Brevard County, Florida, in Section 19, Township 23 South, Range 36 East, together with all and singular the rights, numbers, privileges, hereditaments, and appurtenances to the same belonging to or in any wise appertaining, and riparian, littoral and shore rights thereunto belonging or in any wise pertaining.

The land above described as PARCEL A and PARCEL B, being otherwise described as:

All that certain tract or parcel of land situate, lying and being in Government Lots 2 and 4, of Section 19, Township 23 south, Range 36 East, in Brevard County, Florida, and being more particularly described as follows:

Beginning at a concrete monument on the Easterly right of way line of U. S. Highway No. 1 (State Road No. 5), as presently located, 318.12 feet South of the North line of said Government Lot 4, (said concrete monument is South 40 degrees East 46.4 feet from the center of a concrete culvert under said U. S. Highway No. 1); thence, run South 89 degrees, 59 minutes, 40 seconds East, 1040 feet along the South line of Rosevear Terrace, according to plat of said subdivision recorded in Plat Book 4, page 70, of the Public Records of Brevard County, Florida, to a concrete monument set on the West bank of the Indian River, (an 8 inch palm bears South 38 degrees West 42 feet; a gum tree (7 inches) bears North 47 degrees West 53.5 feet), and thence continue on the same course to and into the waters of the Indian River; thence run Northwesterly, meandering the waters edge of the Indian River, a distance of 753 feet to an iron pipe set at the Southeast corner of the lands of Conrad W. Cramer and Ruth D. Cramer, husband and wife, as described in Deed Book 345, page 314, Public Records of Brevard County, Florida; thence run South 75 degrees, 14 minutes, 20 seconds West along the South line of said lands of Conrad W. Cramer and Ruth D. Cramer, as described in Deed Book 345, page 314, a distance of 824 feet to an iron pipe set on the Easterly right of way line of U.S. Highway No. 1 (State Road No. 5) as presently located; thence go South 15 degrees, 14 minutes, 40 seconds East along the Easterly right of way line of said U. S. Highway No. 1 (State Road No. 5) as presently located, a distance of 461 feet to the concrete monument set at the point of beginning, together with all riparian, littoral and shore rights thereunto belonging or in anywise pertaining.

PARCEL NO. 14:
(Title vested by virtue of Deed recorded in ORB 886/678).

That part of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida, more particularly described as follows, to-wit: Begin at the NW corner of the aforesaid Government Lot 4; thence run S on the W line of said Government Lot 4, 323.77 feet, to a coquina post; thence S 89 degrees, 35 minutes E 549.75 feet, or or less to a concrete post set on the E side of U. S. Highway No. 1, for the point of beginning. From said point of beginning run thence S 14 degrees, 45 minutes E along the E side of said Highway 275.49 feet, to a concrete post, which post is 266 feet, S of the point of beginning by right angle measurements; thence run S 89 degrees, 35 minutes E and parallel to the N line of said

Continued on next page

Government Lot 4 and 589.77 feet, S therefrom a distance of 1,007 feet, more or less, to a concrete post; thence continue S 30 feet, more or less, to and into the waters of the Indian River; thence Northwesterly meandering the waters of the Indian River to a point distant at right angle measurements S of the N line of said Government Lot 4, 323.77 feet, thence N 89 degrees, 35 minutes W and parallel to the N line of said Government Lot 4, 1,039.5 feet, more or less, to the point of beginning.

PARCEL NO. 15:
(Title vested by virtue of Deed recorded in ORB ___/___).

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida; thence South on the West line of said Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to the North line of said Lot 4 a distance of 549.75 feet to a concrete post on the East right of way line of U.S. Highway #1; thence Southeasterly along said East right of way line a distance of 266 feet South of the last course by perpendicular measure to a concrete post; thence East parallel to the North line of said Lot 4 a distance of 695.67 feet to a concrete post for a Point of Beginning; thence south a distance of 90 feet; thence East parallel to the North line of said Government Lot 4 a distance of 150 feet; thence North a distance of 90 feet; thence West along a line parallel to the North line of said Government Lot 4 a distance of 150 feet to the Point of Beginning; together with easement for road right of way 20 feet wide running East and West from the Indian River to said Highway and bordering said parcel on the South and together with all riparian, littoral and shore rights belonging or in anywise pertaining.

PARCEL NO. 16:
(Title vested by virtue of Deed recorded in ORB 858/333).

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida; thence South on the West line of said Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to the North line of said Lot 4 a distance of 549.75 feet to a concrete post on the East right-of-way line of U. S. Highway No. 1; thence Southeasterly along said East right-of-way line a distance of 266 feet (the 266 feet measured perpendicularly) to a concrete post; thence East parallel to North line of said Lot 4 a distance of 845 feet to a concrete post for point of beginning; thence South a distance of 90 feet; thence East parallel to the North line of said Lot 4 a distance of 90 feet; thence North a distance of 90 feet; thence West parallel to the North line of said Government Lot 4 a distance of 90 feet to the Point of Beginning and being in Government Lot 4, Section 19, Township 23 South, Range 36 East, together with easement for road right-of-way 20 feet wide running East and West from Indian River to said Highway and bordering said parcel on the South.

PARCEL NO. 17:
(Title vested by virtue of Deed recorded in ORB 858/336).

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida, thence South on the West line of said Lot 4 a distance of

Continued on next page

Department of Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

February 19, 1999

Mr. Dick Verduin
Generation Production Assurance
Post Office Box 14000
Juno Beach, Florida 33408-0420

BOT Lease No. 050024374
Lessee: Florida Power & Light Company

Dear Mr. Verduin:

Enclosed is a fully executed lease for your records.

The lease requires the Lessee to have the fully executed lease (all pages) recorded within 14 days after receipt of this letter. The lease is to be recorded in the official records of the county within which the leased site is located. Please provide within 10 days following recordation, a copy of the recorded lease indicating the O.R. book and pages at which the lease is recorded to Mrs. Bonnie Wilson of this office at the letterhead address (Mail Station No. 125).

If the billing agent, phone number or fax number change, or there is a change in the Lessee's tax status, please notify the ACCOUNTING SECTION AT (850) 488-2297 within 30 days of the date of any change.

Any future correspondence or inquiries should be directed to this office at the letterhead address (Mail Station No. 125) or at 850/488-2297.

Thank you for your assistance and cooperation in this matter.

Sincerely,

Pattie J. Scott, Planner
Bureau of Public Land Administration
Division of State Lands

/pjs
Enclosure
cc: Records Center
Accounting Section
DEP, District Office
Pam Gerard

Return to:
Meier G. Wise
P.O. Box 2851
Daytona Beach, FL 32120

CFN:99045280 03-08-99 01:23 pm
OR Book/Page: 3976 / 2992

Sandy Crawford
Clerk Of Courts, Brevard County
#Pgs: 18 #Names: 2
Trust: 9.50 Rec: 73.00 Serv: 0.00
Deed: 0.00 Excise: 0.00
Mtg: 0.00 Int Tax: 0.00

This Instrument Prepared By:
Pattie J. Scott
Submerged Lands Section
Bureau of Land Management Services
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LANDS LEASE

No. 050024374

THIS LEASE is hereby issued by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Lessor.

WITNESSETH: That for and in consideration of payment of the annual lease fees hereinafter provided and the faithful and timely performance of and compliance with all terms and conditions stated herein, the Lessor does hereby lease to Florida Power & Light Company, a Florida corporation, hereinafter referred to as the Lessee, the sovereign lands described as follows:

A parcel of sovereign submerged land in Section 19, Township 23 South, Range 36 East, in the Indian River, Brevard County, containing 64,100 square feet, more or less, as is more particularly described and shown on Attachment A, dated November 30, 1998.

TO HAVE THE USE OF the hereinabove described premises for a period of 5 years from January 1, 1998, the effective date of this lease. The terms and conditions on and for which this lease is granted are as follows:

1. USE OF PROPERTY: The Lessee is hereby authorized to operate an existing docking/unloading facility exclusively to be used for mooring of barges and tugs vessels in conjunction with an upland fuel oil tank farm/power plant, without fueling facilities, without sewage pumpout facilities, and without liveaboards, as shown and conditioned in Attachment A.

2. LEASE FEES: The Lessee hereby agrees to pay to the Lessor an initial annual lease fee of $ 7,057.41, plus sales tax pursuant to Section 212.031, Florida Statutes, if applicable, beginning January 1, 1998, or an earlier date determined by the provisions of section 18-21.00405, Florida Administrative Code. The annual fee for the remaining years of the lease shall be adjusted pursuant to provisions of Section 18-21.011, Florida Administrative Code. The Division of State Lands will notify the Lessee in writing of the amount and the due date of the annual payment. The lease fee shall be remitted annually to the Division of State Lands as the agent for the Lessor, beginning with the effective and due date of this lease, and each year thereafter until the term of this lease terminates or expires.

CFN:99045280
OR Book/Page: 3976 / 2993

3. WET SLIP RENTAL CERTIFICATION/SUPPLEMENTAL PAYMENT: The Lessee shall provide upon request by the Lessor any and all information in a certified form needed to calculate the lease fee specified in paragraph two (2) above, including wet slip rental information, if applicable. In addition, if the wet slip rental rates change during the year, the Lessee shall submit a revised rate schedule within 30 days following the effective date of the rate change. The Lessor reserves the right to assess retroactively additional payments when the actual rental rates or total number of linear feet for rent used to determine the annual payment differs from the rental rates or total number of linear feet for rent supplied by the Lessee.

4. LATE FEE ASSESSMENTS: The Lessee shall pay a late charge equal to interest at the rate of twelve percent (12%) per annum from the due date until paid on any lease fees due hereunder which are not paid within 30 days of their due dates.

5. EXAMINATION OF LESSEE'S RECORDS: For purposes of this lease, the Lessor is hereby specifically authorized and empowered to examine, for the term of this lease including any extensions thereto plus three (3) additional years, at all reasonable hours, the books, records, contracts, and other documents confirming and pertaining to the computation of annual lease payments as specified in paragraph two (2) above.

6. MAINTENANCE OF LESSEE'S RECORDS: The Lessee shall secure, maintain, and keep all records for the entire term of this lease, plus three (3) additional years. This period shall be extended for an additional two (2) years upon request for examination of all records and accounts for lease payment verification purposes by the Lessor.

7. AGREEMENT TO EXTENT OF USE: This lease is given to the Lessee to use or occupy the leased premises only for those purposes specified herein. The Lessee shall not alter the approved use of the sovereignty lands or the type of use of the riparian uplands (e.g., commercial to multi-family residential) without first obtaining the Lessor's written authorization in the form of a modified lease and the payment of additional fees, if applicable, and the removal of that portion of the original structures which are no longer authorized under the modified lease.

8. PROPERTY RIGHTS: The Lessee shall make no claim of title or interest to said lands hereinbefore described by reason of the occupancy or use thereof, and all title and interest to said land hereinbefore described is vested in the Lessor.

9. INTEREST IN RIPARIAN UPLAND PROPERTY: During the term of this lease, the Lessee shall maintain a leasehold or fee simple title interest in the riparian upland property and if such interest is terminated, the lease may be terminated at the option of the Lessor. Prior to sale and/or termination of the Lessee's fee simple title interest in the upland property, Lessee shall inform any potential buyer or transferee of the Lessee's upland property interest of the existence of this lease and all its terms and conditions and shall complete and execute any documents required by the Lessor to effect an assignment of this lease, if consented to by the Lessor. Failure to do so will not relieve the Lessee from responsibility for full compliance with the terms and conditions of this lease which include, but are not limited to, payment of all fees and/or penalty assessments incurred prior to such act.

10. ASSIGNMENT OF LEASE: This lease shall not be assigned or otherwise transferred without prior written consent of the Lessor or its duly authorized agent. Such assignment or other transfer shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. Any assignment or other transfer without prior written consent of the Lessor shall be null and void and without legal effect. Upon Lessee's sale or other conveyance of its fee simple interest in the upland riparian property. Lessor's approval of the assignment of this lease to the new owner of the upland riparian property shall not be unreasonably withheld.

11. INDEMNIFICATION/INVESTIGATION OF ALL CLAIMS: The Lessee shall investigate all claims of every nature arising out of this lease at its expense, and shall indemnify, defend and save and hold harmless the Lessor and the State of Florida from all claims, actions, lawsuits and demands arising out of this lease.

12. VENUE: Lessee waives venue as to any litigation arising from matters relating to this lease and any such litigation between Lessor and Lessee shall be initiated and maintained only in Leon County, Florida.

13. NOTICES/COMPLIANCE/TERMINATION: The Lessee binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Lessee, it successors and assigns. In the event the Lessee fails or refuses to comply with the provisions and conditions herein, or fails or refuses to comply with the provisions and conditions herein set forth within 20 days of receipt of the Lessor's notice to correct, this lease may be terminated by the Lessor upon thirty (30) days written notice to Lessee. If canceled, all of the above-described parcel of land shall revert to the Lessor. All costs and attorneys' fees incurred by the Lessor to enforce the provisions of this lease shall be paid by the Lessee. All notices required to be given to the Lessee by this lease or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

Florida Power & Light Company
Cape Canaveral Plant
c/o John Franklin, Plant General Manager
6000 North US Highway 1
Cocoa, Florida 32927-6002

The Lessee shall notify the Lessor by certified mail of any change to this address at least ten (10) days before the change is effective.

14. TAXES AND ASSESSMENTS: The Lessee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this lease.

15. NUISANCES OR ILLEGAL OPERATIONS: The Lessee shall not permit the leased premises or any part thereof to be used or occupied for any purpose or business other than herein specified unless such proposed use and occupancy are consented to by the Lessor and the lease is modified accordingly, nor shall Lessee knowingly permit or suffer any nuisances or illegal operations of any kind on the leased premises.

16. MAINTENANCE OF FACILITY /RIGHT TO INSPECT: The Lessee shall maintain the leased premises in good condition, keeping the structures and equipment located thereon in a good state of repair in the interests of public health, safety and welfare. The leased premises shall be subject to inspection by the Lessor or its designated agent at any reasonable time.

17. NON-DISCRIMINATION: The Lessee shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicap, or marital status with respect to any activity occurring within the area subject to this lease or upon lands adjacent to and used as an adjunct of the leased area. During the lease term, the Lessee shall post and maintain the placard furnished to the Lessee by the Lessor in a prominent and visible location on the leased premises or adjacent business office of the Lessee. It shall be the responsibility of the Lessee to post the placard in a manner which will provide protection from the elements, and, in the event that said placard becomes illegible at any time during the term of this lease (including any extensions thereof), to notify the Lessor in writing, so that a replacement may be provided.

18. ENFORCEMENT OF PROVISIONS: No failure, or successive failures, on the part of the Lessor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Lessor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

19. PERMISSION GRANTED: Upon expiration or cancellation of this lease all permission granted hereunder shall cease and terminate.

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OR Book/Page: 3976 / 2995

20. RENEWAL PROVISIONS: Renewal of this lease shall be at the sole option of the Lessor. Such renewal shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. In the event that Lessee is in full compliance with the terms of this lease, the Lessee may apply in writing for a renewal. Such application for renewal must be received by Lessor no sooner than 120 days and no later than 30 days prior to the expiration date of the original or current term hereof. The term of any renewal granted by the Lessor shall commence on the last day of the previous lease term. If the Lessee fails to timely apply for a renewal, or in the event the Lessor does not grant a renewal, the Lessee shall vacate the leased premises and remove all structures and equipment occupying and erected thereon at its expense. The obligation to remove all structures authorized herein upon termination of this lease shall constitute an affirmative covenant upon the riparian upland property more specifically described in Attachment B, which shall run with the title to said riparian upland property, and shall be binding upon Lessee and Lessee's successors in title or successors in interest.

21. REMOVAL OF STRUCTURES/ADMINISTRATIVE FINES: If the Lessee does not remove said structures and equipment occupying and erected upon the leased premises after expiration or cancellation of this lease, such structures and equipment will be deemed forfeited to the Lessor, and the Lessor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Lessee at the address specified in Paragraph 13 or at such address on record as provided to the Lessor by the Lessee. However, such remedy shall be in addition to all other remedies available to the Lessor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

22. REMOVAL COSTS/LIEN ON RIPARIAN UPLAND PROPERTY: Any costs incurred by the Lessor in the removal of any structures and equipment constructed or maintained on state lands shall be paid by the Lessee and any unpaid costs and expenses shall constitute a lien upon the interest of the Lessee in its riparian upland property enforceable in summary proceedings as provided by Law.

23. RECORDATION OF LEASE: The Lessee, at its own expense, shall record this fully executed lease in its entirety in the public records of the county within which the lease site is located within fourteen (14) days after receipt, and shall provide to the Lessor within ten (10) days following the recordation a copy of the recorded lease in its entirety which contains the O.R. Book and pages at which the lease is recorded.

24. RIPARIAN RIGHTS/FINAL ADJUDICATION: In the event that any part of any structure authorized hereunder is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Lessee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply with this paragraph shall constitute a material breach of this lease agreement and shall be grounds for immediate termination of this lease agreement at the option of the Lessor.

25. AMENDMENTS/MODIFICATIONS: This lease is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this lease must be in writing, must be accepted, acknowledged and executed by the Lessee and Lessor, and must comply with the rules and statutes in existence at the time of the execution of the modification or amendment. Notwithstanding the provisions of this paragraph, if mooring is authorized by this lease, the Lessee may install boatlifts within the leased premises without formal modification of the lease provided that (a) the Lessee obtains any state or local regulatory permit that may be required; and (b) the location or size of the lift does not increase the mooring capacity of the facility.

26. ADVERTISEMENT/SIGNS/NON-WATER DEPENDENT ACTIVITIES/ADDITIONAL ACTIVITIES/MINOR STRUCTURAL REPAIRS: No permanent or temporary signs directed to the boating public advertising the sale of alcoholic beverages shall be erected or placed within the leased area. No restaurant or dining activities are to occur within the leased area. The Lessee shall ensure that no permanent, temporary or floating structures, fences, docks, pilings or any structures whose use is not water-dependent shall be erected or conducted over sovereignty submerged lands without prior written consent from the Lessor. No additional structures and/or activities including dredging, relocation/realignment or major repairs or renovations to authorized structures, shall be erected or conducted on or over sovereignty, submerged lands without prior written consent from the Lessor. Unless specifically authorized in writing by the Lessor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Lessee to administrative fines under Chapter 18-14, Florida Administrative Code. This condition does not apply to minor structural repairs required to maintain the authorized structures in a good state of repair in the interests of public health, safety or welfare; provided, however, that such activities shall not exceed the activities authorized by this agreement.

27. SPECIAL LEASE CONDITION: Should a field survey acceptable to Lessor be required or obtained after the effective date of this lease, the annual lease fees due hereunder shall be adjusted to reflect the increase or decrease in the total preempted area shown by the survey. Any such adjustment shall be effective from the date of the acceptable survey and shall be prospective only. No reimbursement or credit shall be given to Lessee by Lessor for overages, and no charge shall be imposed by Lessor for shortages unless the error ormation supplied by the Lessee.

WITNESSES:

Bonnie Wilson
Original Signature

Bonnie Wilson
Print/Type Name of Witness

Deidre Mordica
Original Signature

Deidre Mordica
Print/Type Name of Witness

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

(SEAL)

BY: Pam Gerard

Pam Gerard, Operations and Management Consultant Manager, Bureau of Public Land Administration, Division of State Lands, Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida

"LESSOR"

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 15th day of February, 1999, by Pam Gerard, Operations and Management Consultant Manager, Bureau of Public Land Administration, Division of State Lands, Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. She is personally known to me.

APPROVED AS TO FORM AND LEGALITY:

Daryl L. Hare
DEP Attorney

Keith E. Clayton
Notary Public, State of Florida

Keith E. Clayton
Printed, Typed or Stamped Name

MY COMMISSION # CC677553 EXPIRES September 4, 2001
BONDED THRU TROY FAIN INSURANCE, INC.

My Commission Expires:

Commission/Serial No.

CFN:99045280
OR Book/Page: 3976 / 2997

WITNESSES:

Sally H. Stone
Original Signature

Sally H. Stone
Typed/Printed Name of Witness

Donna M Rodebaugh
Original Signature

Donna M. Rodebaugh
Typed/Printed Name of Witness

Florida Power & Light Company, a Florida corporation (SEAL)

BY: John M Chism
Original Signature of Executing Authority

John M. Chism
Typed/Printed Name of Executing Authority

Director of Corporate Real Estate/Assistant Secretary
Title of Executing Authority

"LESSEE"

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 2nd day of November, 1998, by John M. Chism as Director of Corporate Real Estate/Assistant Secretary of Florida Power & Light Company, a Florida corporation, for and on behalf of the corporation. He is personally known to me ~~or who has produced _____ as identification~~.

My Commission Expires:

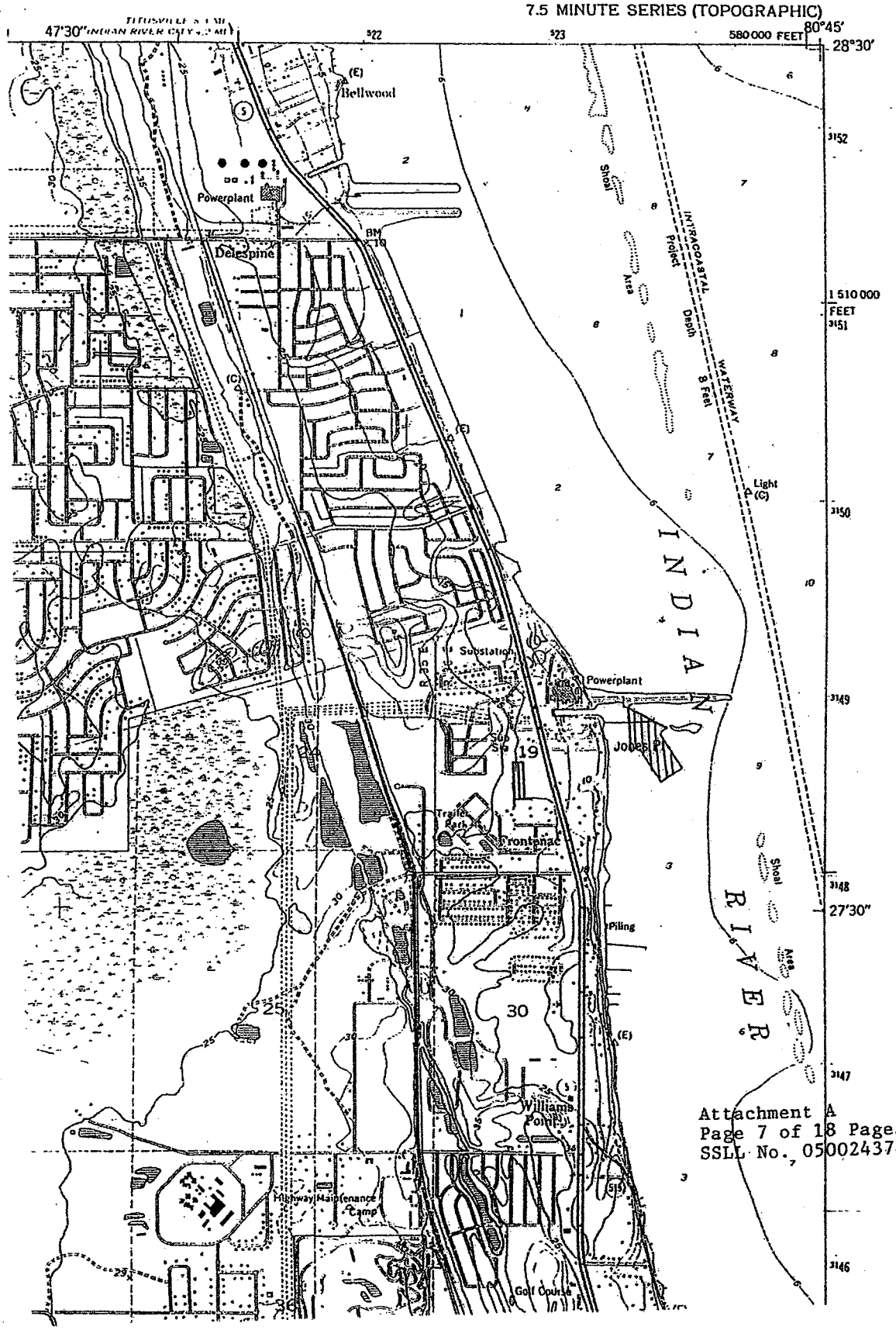
Commission/Serial No.

Donna M Rodebaugh
Notary Public, State of

Printed, Typed or Stamped Name

OFFICIAL NOTARY SEAL
DONNA M RODEBAUGH
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC683992
MY COMMISSION EXP. OCT. 24,2001

CFN:99045280
OR Book/Page: 3976 / 2998



Attachment A
Page 7 of 18 Pages
SSLL No. 050024374

FLORIDA POWER & LIGHT
CAPE CANAVERAL PLANT
BREVARD COUNTY FLORIDA
GSR NO. 050026

A parcel of submerged land located in Section 19, Township 23 South, Range 36 East, Brevard County, Indian River (waterbody) containing 64,100 square feet, as described on the attached sketch labeled as Exhibit A and dated November 30, 1998, located immediately waterward of that upland propety with the legal description in the attached summary legal description labeled as Exhibit B.

[LEGAL DESCRIPTION(S)AS DESCRIBED IN THOSE CERTAIN WARRANTY DEED(S), BETWEEN RAPPE DEVELOPMENT COMPANY, ROBERT W. BRUCE AND MILDRED C. BRUCE, HUSBAND AND WIFE, P.D. SHUPING,UNMARRIED, FREDERICK O. RIPON AND MILDRED M. RIPON, HUSBAND AND WIFE, ALBERT RAMOS AND KATHERINE RAMOS,HUSBAND AND WIFE, CHARLES HERMAN AND ERMA EILEEN HERMAN, HIS WIFE,L.A. PERRIN, AS TRUSTEE, AND INDIVIDUALLY, JOINED BY HIS WIFE, LENELLE PERRIN, EDWARD LAWTON AND MARIE LAWTON, HUSBAND AND WIFE, WORTH A. OVERACKER AND MAUD I. OVERACKER, HUSBAND AND WIFE, JAMES H. SWEENY, JR. AND CHRISTINE B. SWEENY, HIS WIFE, PALMER B. CONNER AND HELEN H. CONNER,HUSBAND AND WIFE, LYNN B. WHITEMAN AND JULIA C. WHITEMAN, HUSBAND AND WIFE,FRANK A. ROBINSON AND HIS WIFE, GLADYS M. ROBINSON, GRANTORS AND FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, GRANTEE, AS RECORDED IN THE ATTACHED SUMMARY OF LEGAL DESCRIPTION(S), OFFICIAL RECORDS OF BREVARD COUNTY, FLORIDA, OTHERWISE KNOWN AS ATTACHMENT B TO THIS LEASE INSTRUMENT.]

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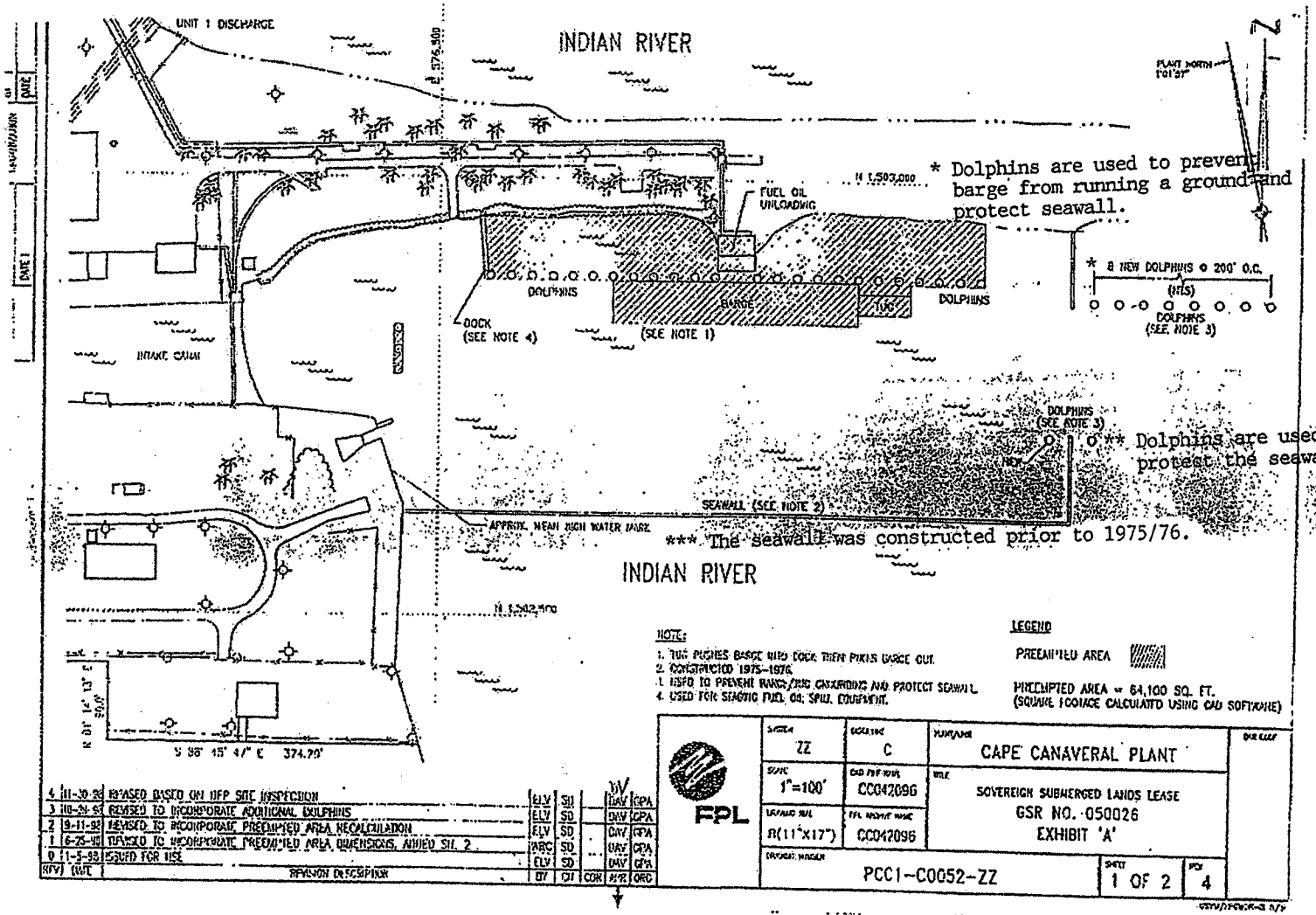
OR Book/Page: 3976 / 3000



* Dolphins are used to prevent barge from running a ground and protect seawall.

** Dolphins are used to protect the seawall.

*** The seawall was constructed prior to 1975/76.

11-30-98 Sketch revised to show pilings not

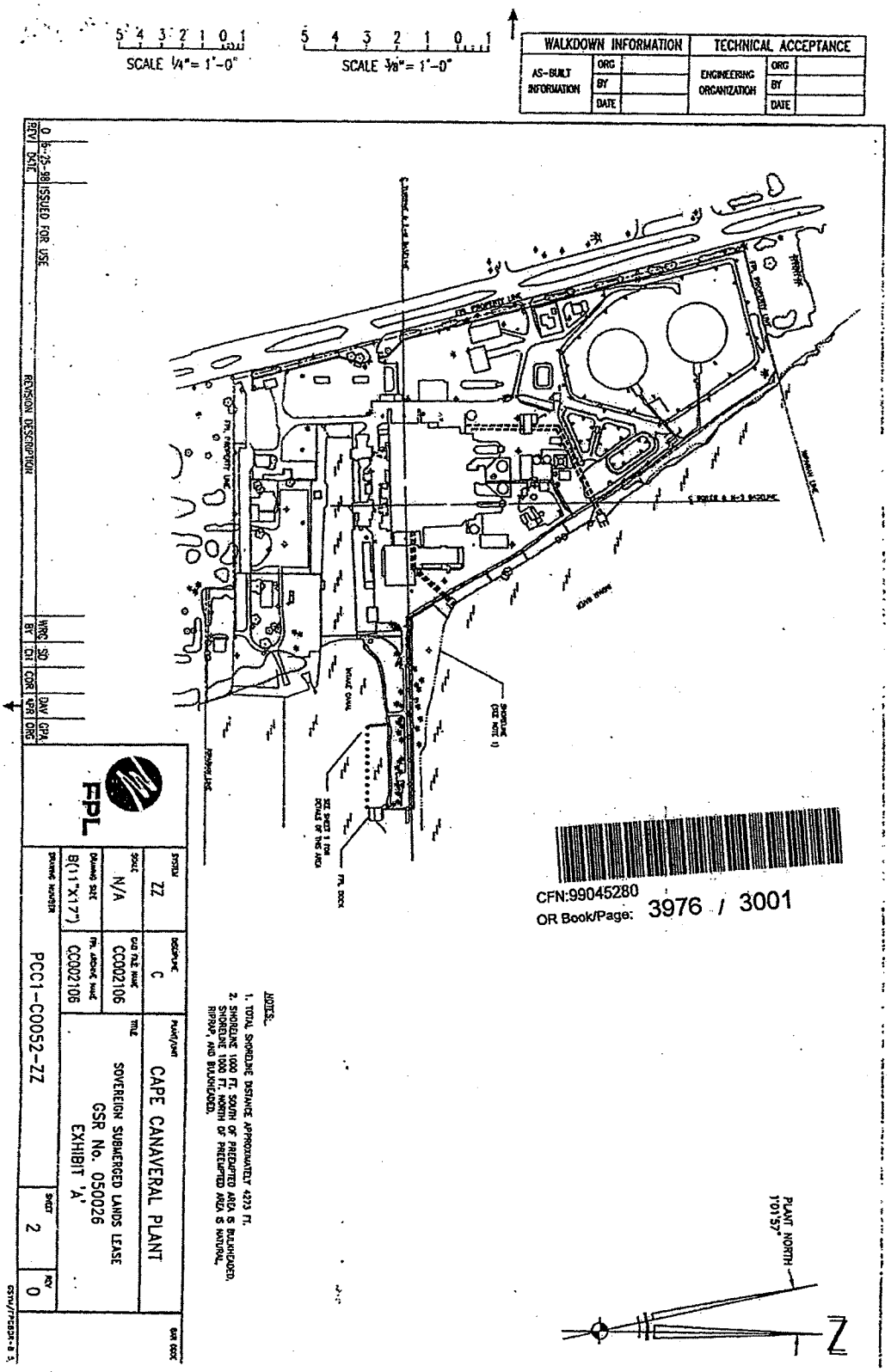


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EXHIBIT B

CAPE CANAVERAL PLANT
SUMMARY LEGAL DESCRIPTION

PARCEL NO. 1:
(Title vested by virtue of Deed recorded in ORB 526/2).

Government Lot 3, Section 19, Township 23 South, Range 36 East, together with an easement over and across the North fifty (50) feet of the South two hundred eighty (280) feet of Rosevear Terrace Subdivision lying West of U. S. Highway #1, in Brevard County, Florida.

PARCEL NO. 2:
(Title vested by virtue of Deed recorded in ORB 870/266).

Begin at the concrete post at the west quarter section corner of Section 19, Township 23 South, Range 36 East, Brevard County, Florida, said post being the Northwest corner of U. S. Lot 3, said Section; thence run South 89 degrees, 52 minutes, 30 seconds East on the quarter section line or North side of U. S. Lot 3 a distance of 1320.5 feet to a concrete monument which replaced old coquina post at the Northeast corner of said U. S. Lot 3 for the point of beginning of land herein described; thence for a first course, run North 36 degrees, 30 minutes East along the northwesterly line of lands formerly owned by P. D. Shuping, a distance of 307.1 feet to a concrete monument; thence for a second curse, run North 25 degrees, 11 minutes, 25 seconds West a distance of 16 feet to a concrete post; thence for a third course, run South 80 degrees, 13 minutes, 30 seconds West parallel to the North line of Norman Carhart deed as recorded in Deed Book 194, page 124, Public Records of said County a distance of 274.6 feet to an iron pipe; thence for a fourth course, run South and parallel to the West line of Section 19, a distance of 215 feet to an iron rod on the North line of U. S. Lot 3 or the quarter section line; thence for a fifth course, run South 89 degrees, 52 minutes, 50 seconds East along the North line of said U. S. Lot 3 a distance of 95.57 feet to a concrete monument at the Northeast corner of said U. S. Lot 3, which is the point of beginning; together with right of way 16 feet wide described as follows: From the aforesaid point of beginning, run North 36 degrees, 30 minutes East along the northwesterly line of land formerly owned by P. D. Shuping a distance of 307.1 feet to a concrete monument for the point of beginning of said right of way; thence for a first course, run North 65 degrees, 37 minutes, 13 seconds East 70.13 feet to a concrete monument on the West right of way line of new U. S. Highway No. 1; thence for a second course, run North 13 degrees, 52 minutes, 00 seconds West along said right of way line 16.32 feet to a point; thence for a third course, run South 65 degrees, 37 minutes, 13 seconds West 72.90 feet to a concrete monument; thence for a fourth course, run Southeasterly 16 feet more or less to the point of beginning.

PARCEL NO. 3:
(Title vested by virtue of Deed recorded in ORB 524/618).

All of Lot One (1) of the resubdivision of Rosevear Terrace Subdivision lying west of the west right of way line of new U. S. No. 1 Highway, except the south two hundred thirty (230) feet, said resubdivision being recorded in Plat Book 8, page 40, of the Public Records of Brevard County, Florida, subject to a fifty (50) foot easement running east and west on the south side of said property.

PARCEL NO. 4:
(Title vested by virtue of Deed recorded in ORB 526/620).

The North One hundred eighty (180) feet of the South two

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CFN:99045280
OR Book/Page: 3976 / 3002

hundred thirty (230) feet of that part of Rosevear Terrace Subdivision lying west of the west right of way line of New U. S. No. 1 Highway, said plat of Rosevear Terrace Subdivision being recorded in Plat Book 8, page 40, Public Records of Brevard County, Florida.

PARCEL NO. 5:
(Title vested by virtue of Deed recorded in ORB 526/955).

A tract of land located in Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, described as follows:

From an iron pipe on the range line, which is 713.10 feet north of the quarter section corner on the west side of said Section nineteen (19), which is a point of reference, run north seventy-five (75) degrees, nine (9) minutes east and parallel to the south line of the Delespine Grant, a distance of 1548.24 feet to an iron pipe on the east line of the right of way of U. S. Highway No. 1 also known as Dixie Highway, as presently located, which is the point of beginning of the land herein described, and from the said point of beginning, for a first course, run south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east on the east right of way line of U. S. Highway No. 1 (which is also known as State Road No. 5), a distance of 295 feet to the northwest corner of the land conveyed to Carl W. and Alice C. Hopps by deed recorded in Book 264, page 475, Official Records of Brevard County, Florida; thence for a second course, run north forty-seven (47) degrees, sixteen (16) minutes, forty-two (42) seconds east on the north line of the land conveyed to Carl W. and Alice C. Hopps aforesaid, a distance of 528 feet, more or less, to and into the waters of the Indian River; thence return to the point of beginning, and for a third course, run north seventy-five (75) degrees, nine (9) minutes east, a distance of 449.76 feet to an iron pipe on the west bank of the Indian River, and continue the said course to and into the waters of the Indian River; and thence for a fourth course, run south thirty-six (36) degrees, fifty-eight (58) minutes east in the waters edge of the Indian River, a distance of 46.18 feet, more or less, to the eastern terminus of the second course, which is the northeast corner of the land conveyed to Carl W. and Alice C. Hopps as aforesaid.

Together with the riparian and littoral rights and the submerged lands in Indian River appertaining to said property.

PARCEL NO. 6:
(Title vested by virtue of Judgment recorded in CCMB 47/102).

Beginning at a point on the west line of fractional Section 19, Township 23 South, Range 36 East, which point is 713.10 feet north of the northwest corner of said northwest quarter (NW 1/4) of the southwest quarter (SW 1/4) of said fractional Section 19; thence run north seventy-five (75) degrees, nine (9) minutes east parallel with the south line of the Delespine Grant, 1548.24 feet to a point on the east right of way of U. S. No. 1 (Dixie Highway) as presently located; thence south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east along said east right of way line 295 feet to the point of beginning; from said point of beginning, for a first course, continue south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east along said east right of way line, two hundred (200) feet; thence for a second course, run north forty-nine (49) degrees, twenty-four (24) minutes, forty

Continued on next page

CFN:99045280
OR Book/Page: 3976 / 3003

(40) seconds east, six hundred (600) feet, more or less, to and into the waters of the Indian River; thence return to the point of beginning; thence for a third course, run north forty-seven (47) degrees, sixteen (16) minutes, forty-two (42) seconds east, five hundred twenty-eight (528) feet, more or less, to and into the waters of the Indian River; thence for a fourth course, run southeasterly along the waters of the Indian River, two hundred (200) feet, more or less, to the above described termination of said second course. All being and lying in fractional Section Nineteen (19), Township Twenty-three (23) South, Range Thirty-six (36) East, in Brevard County, Florida. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PARCEL NO. 7:
(Title vested by virtue of Deed recorded in ORB 524/946).

Commencing at a concrete monument which is the southwest corner of Government Lot two (2), Section Nineteen (19), Township Twenty-three (23) South, Range Thirty-six (36) East, Brevard County, Florida; thence run north along the west section line of said Section Nineteen (19), a distance of three hundred forty-nine and sixty-three hundredths (349.63) feet to an iron pipe; thence north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east, a distance of one thousand five hundred seventy-nine and fifty hundredths (1579.50) feet to a concrete monument on the west right of way line of U. S. Highway No. 1; thence continuing north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east a distance of sixty-six and twenty-three hundredths (66.23) feet across U. S. Highway No. 1 to a concrete monument on the east right of way of said U. S. Highway No. 1 and the point of beginning of the lands herein described; thence north forty-nine (49) degrees, seven (7) minutes, twenty (20) seconds east six hundred eight and seventy-eight hundredths (608.78) feet to an iron pipe on the shore of the Indian River; thence southeasterly along the shore line of the Indian River two hundred ninety-nine and five hundredths (299.05) feet to an iron pipe; thence south sixty-three (63) degrees, twenty (20) minutes, twenty-five (25) seconds west, six hundred sixty-three and ninety-five hundredths (663.95) feet to a concrete monument on the east right of way line of U. S. Highway No. 1; thence north fourteen (14) degrees, twenty-four (24) minutes, forty (40) seconds west, one hundred fifty (150) feet to a concrete monument and the point of beginning. TOGETHER with all riparian rights thereunto appertaining.

PARCEL NO. 8:
(Title vested by virtue of Deed recorded in ORB 525/974).

Start at a concrete monument at the southwest corner of Government Lot 2, Section 19, Township 23 South, Range 36 East, Brevard County, Florida, go north along Section line 349.63 feet to an iron pipe; thence north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east, 1645.5 feet to an iron pipe set on the east right of way line of U. S. Highway No. 1, as presently located; thence south fourteen (14) degrees, thirty-six (36) minutes east along said east right of way line, a distance of 150 feet to a concrete monument for a point of beginning of lands hereby conveyed; thence north sixty-three (63) degrees, thirty-one (31) minutes, east along south line of lands described in Deed Book 410, page 622, Public Records of Brevard County, Florida, a distance of 664.1 feet to a stone set on the shore of the Indian River; thence

Continued on next page

CFN:99045280
OR Book/Page: 3976 / 3004

southeasterly along said shore line, a distance of 76 feet, thence westerly to a point on the east right of way line of U. S. Highway No. 1, said point being 51 feet south-easterly measured along said right of way line from the point of beginning; thence northwesterly along said right of way line, a distance of 51 feet to the point of beginning.

In addition thereto, all riparian and littoral rights thereunto appertaining.

PARCEL NO. 9:
(Title vested by virtue of Deed recorded in ORB 525/974).

Beginning on the west shore of the Indian River at the southeast corner of Parcel No. 8, thence run southeasterly along the shore line of the Indian River to the southeast corner of property described in Deed Book 369, page 525, Public Records of Brevard County, Florida; thence continue westerly along said south line of property described in Deed Book 369, page 525, Public Records of Brevard County, Florida, a distance of 340 feet; thence run northerly to an iron pipe located on the south line of the property described as Parcel No. 8 above, said point being located 330 feet, more or less, measured along said south line of Parcel No. 8 from the waters of the Indian River and easterly 310 feet measured along said south line from the east right of way line of U.S. Highway No. 1; thence easterly along the south line of property described as Parcel No. 8 to the point of beginning. In addition thereto, all riparian and littoral rights thereunto appertaining,

This conveyance is made subject to an easement ten (10) feet wide, extending from the land hereinabove described to the waters of the Indian River, which was reserved in the deed executed by Edward Lawton and Marie Lawton to Delmer H. Roberts, dated March 1, 1957, and recorded in Deed Book 442, page 251, Public Records of Brevard County, Florida.

PARCEL NO. 10:
(Title vested by virtue of Deed recorded in ORB 525/663).

From the Coquina monument at the northeast corner of U. S. Government Lot 3, being the northeast corner of the west-half (W 1/2) of the southwest quarter (SW 1/4) of fractional Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, run the northwesterly line of the Rosevear Terrace Subdivision (according to the plat of said subdivision recorded in Plat Book 4, page 70, and replatted according to plat recorded in Plat Book 8, page 40, Public Records of Brevard County, Florida), on a course of north thirty-six (36) degrees, thirty (30) minutes east, a distance of 307.1 feet to an iron pipe; thence run the northerly line of the said Rosevear Terrace Subdivision, being the northerly line of P. D. Shuping's land, on a course of north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of 212.7 feet to a concrete post on the east side of the right of way of U. S. Highway No. 1, which point is the point of beginning of the land herein described; from the said point of beginning, run north fourteen (14) degrees, thirty-six (36) minutes west on the east side of the right of way of U. S. Highway No. 1, a distance of one hundred (100) feet, more or less, to the south line of the land conveyed by Edward and Marie Lawton to Delmer H. Roberts by deed recorded in Deed Book 437, page 232; thence run easterly on the south line of the land conveyed by Edward

Continued on next page

CFN:99045280
OR Book/Page: 3976 / 3005

and Marie Lawton to Delmer H. Roberts, recorded in Deed Book 437, page 232 aforesaid, a distance of 310 feet, more or less, to an iron pipe in a ditch located at the northwest corner of the lands conveyed by Edward and Marie Lawton to Delmer H. Roberts by deed recorded in Deed Book 442, page 251; thence run southerly on the west line of the lands conveyed to Delmer H. Roberts in Deed Book 242, page 251, a distance of 100 feet, more or less, to the north line of the Rosevear Terrace Subdivision aforesaid; and thence run South sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds west on the north line of the Rosevear Terrace Subdivision aforesaid, a distance of 394.8 feet, more or less, to the point of beginning.

ALSO, all of the right, title and interest of the parties of the first part in and to the easement ten (10) feet wide, extending from the land hereinabove described to the waters of the Indian River, which was reserved in the deed executed by them to Delmer H. Roberts, dated March 1, 1957, and recorded in Deed Book 442, page 251, Public Records of Brevard County, Florida.

PARCEL NO. 11:
(Title vested by virtue of Judgment recorded in CCMB 47/102).

A tract of land situated in government lot two of Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, described as follows: From the Northeast corner of the west half of the southwest quarter (SW 1/4) of Section nineteen (19) aforesaid, which is a point of reference, run the boundary of the Rosevear Terrace Subdivision (the plat of which is recorded in Plat Book 4, page 70, Public Records of Brevard County, Florida) north thirty-six (36) degrees, thirty (30) minutes east, a distance of three hundred seven and one-tenth (307.1) feet, and thence north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of two hundred twelve and seven tenths (212.7) feet to a point on the east side of the right of way of State Road No. 5, also known as U. S. Highway No. 1, which is the point of beginning of the land herein described, and from the said point of beginning, continue on the north line of the Rosevear Terrace Subdivision, north sixty four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of seven hundred thirty-four and eight tenths (734.8) feet, more or less, to the west bank of the Indian River; thence run southerly in the waters edge of the Indian River, a distance of one hundred ninety two (192) feet to a stake at the northeast corner of the lands of Conrad W. and Ruth D. Cramer, described in Deed Book 345, page 314; thence run westerly on the north line of the lands of Conrad W. and Ruth D. Cramer to a point on the east line of State Road No. 5, also known as U. S. Highway No. 1, which is 115 feet from the point of beginning; thence run northerly on the east line of the right of way of State Road No. 5, a distance of one hundred fiftaen (115) feet to the point of beginning. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PARCEL NO. 12:
(Title vested by virtue of Judgment recorded in CCMB 47/102).

A tract of land situated in government lot two (2) of Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, described as follows: From the northeast corner of the west-half (W 1/2) of

Continued on next page

CFN:99045280
OR Book/Page: 3976 / 3006

the southwest quarter (SW 1/4) of Section nineteen (19) aforesaid, which is a point of reference, run the boundary of the Rosevear Terrace Subdivision (the plat of which is recorded in Plat Book 4, page 70, Public Records of Brevard County, Florida) north thirty-six (36) degrees, thirty (30) minutes east, a distance of three hundred seven and one-tenth (307.1) feet, and thence north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of two hundred twelve and seven tenths (212.7) feet to a point on the east side of the right of way of State Road No. 5, also known as U. S. Highway No. 1, thence run southerly on the east line of the right of way of State Road No. 5, also known as U.S. Highway No. 1, a distance of one hundred fifteen (115) feet to the southwest corner of the lands of William Cramer, Jr., and Catherine Cramer, which is the point of beginning of the land herein described; thence run easterly on the south line of the lands of William Cramer, Jr., and Catherine Cramer to a point on the west shore of the Indian River, which is one hundred ninety two (192) feet southerly, as measured along the shore of the Indian River from the northeast corner of the Rosevear Terrace Subdivision; thence run southerly in the waters edge of the Indian River, a distance of one hundred and ninety two (192) feet to the northeast corner of the lands of Worth A. Overseker and Maud I. Overseker; thence run westerly on the north line of the lands of Worth A. Overseker and Maud I. Overseker to a point on the east right of way line of State Road No. 5, which is two hundred thirty (230) feet, measured on said right of way line from the north line of Rosevear Terrace Subdivision; thence run northerly on the east line of said State Road right of way line, a distance of one hundred fifteen (115) feet to the point of beginning. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PARCEL NO. 13:
(Title vested by virtue of Dead recorded in ORB 525/667).

Parcel A: Begin at an iron pipe on the East right of way line of U. S. Highway No. 1, which iron pipe is the corner of Shuping and Cramer lands, for POINT OF BEGINNING; thence Eastward along Shuping and Cramer line to an iron pipe set on the high water mark of the Indian River; thence Southeasterly along the high water mark of the Indian River, a distance of 384 feet to an iron pipe; thence Westerly to the East right of way line of U. S. Highway No. 1 to a point, which point is 230 feet from point of beginning, measured along the East right of way line of U. S. Highway No. 1; thence Northwesterly along said right of way line to a point of beginning, being part of Rosevear Terrace as per Plat recorded in Plat Book 4, page 70, of the Public Records of Brevard County, Florida, in Section 19, Township 23 South, Range 36 East, together with all riparian, littoral and shore rights thereunto belonging or in any wise appertaining.

Parcel B: Begin at an iron pipe at a point on the East right of way line of U. S. Highway No. 1, which point is 230 feet Southeasterly from Shuping-Cramer corner post, for POINT OF BEGINNING; thence Easterly along the Southerly line of Warren A. Shuping and Catherine J. Shuping, to an iron pipe set on the high water mark of the Indian River (which iron pipe is 384 feet Southeasterly from an iron pipe set on the Indian River, which iron pipe marks corner of Shuping-Cramer land); thence along the high water mark of the Indian River, a distance of 369.30 feet to an iron pipe which marks the corner of Shuping-Nash land; thence Westerly to a concrete post set on

Continued on next page

CFN:99045280
OR Book/Page: 3976 / 3007

the East right of way line of U.S. Highway No. 1, which post is corner of Shuping-Nash land, which point is 231 feet measured along said right of way line from point of beginning; thence along the East right of way line of U. S. Highway No. 1 to point of beginning, being part of land in Rosevear Terrace as per Plat Book 4, page 70, of the Public Records of Brevard County, Florida, in Section 19, Township 23 South, Range 36 East, together with all and singular the rights, numbers, privileges, hereditaments, and appurtenances to the same belonging to or in any wise appertaining, and riparian, littoral and shore rights thereunto belonging or in any wise pertaining.

The land above described as PARCEL A and PARCEL B, being otherwise described as:

All that certain tract or parcel of land situate, lying and being in Government Lots 2 and 4, of Section 19, Township 23 south, Range 36 East, in Brevard County, Florida, and being more particularly described as follows:

Beginning at a concrete monument on the Easterly right of way line of U. S. Highway No. 1 (State Road No. 5), as presently located, 318.12 feet South of the North line of said Government Lot 4, (said concrete monument is South 40 degrees East 46.4 feet from the center of a concrete culvert under said U. S. Highway No. 1); thence, run South 89 degrees, 59 minutes, 40 seconds East, 1040 feet along the South line of Rosevear Terrace, according to plat of said subdivision recorded in Plat Book 4, page 70, of the Public Records of Brevard County, Florida, to a concrete monument set on the West bank of the Indian River, (an 8 inch palm bears South 58 degrees West 42 feet; a gum tree (7 inches) bears North 47 degrees West 53.5 feet), and thence continue on the same course to and into the waters of the Indian River; thence run Northwesterly, meandering the waters edge of the Indian River, a distance of 753 feet to an iron pipe set at the Southeast corner of the lands of Conrad W. Cramer and Ruth D. Cramer, husband and wife, as described in Deed Book 345, page 314, Public Records of Brevard County, Florida; thence run South 75 degrees, 14 minutes, 20 seconds West along the South line of said lands of Conrad W. Cramer and Ruth D. Cramer, as described in Deed Book 345, page 314, a distance of 824 feet to an iron pipe set on the Easterly right of way line of U.S. Highway No. 1 (State Road No. 5) as presently located; thence go South 15 degrees, 14 minutes, 40 seconds East along the Easterly right of way line of said U. S. Highway No. 1 (State Road No. 5) as presently located, a distance of 461 feet to the concrete monument set at the point of beginning, together with all riparian, littoral and shore rights thereunto belonging or in anywise pertaining.

PARCEL NO. 14:
(Title vested by virtue of Deed recorded in ORB 886/678).

That part of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida, more particularly described as follows, to-wit: Begin at the NW corner of the aforesaid Government Lot 4; thence run S on the W line of said Government Lot 4, 323.77 feet, to a coquina post; thence S 89 degrees, 35 minutes E 549.75 feet, or or less to a concrete post set on the E side of U. S. Highway No. 1, for the point of beginning. From said point of beginning run thence S 14 degrees, 45 minutes E along the E side of said Highway 275.49 feet, to a concrete post, which post is 266 feet, S of the point of beginning by right angle measurements; thence run S 89 degrees, 35 minutes E and parallel to the N line of said

Continued on next page

CFN:99045280
OR Book/Page: 3976 / 3008

Government Lot 4 and 589.77 feet, S therefrom a distance of 1,007 feet, more or less, to a concrete post; thence continue E 30 feet, more or less, to and into the waters of the Indian River; thence Northwesterly meandering the waters of the Indian River to a point distant at right angle measurements S of the N line of said Government Lot 4, 323.77 feet, thence N 89 degrees, 35 minutes W and parallel to the N line of said Government Lot 4, 1,039.5 feet, more or less, to the point of beginning.

PARCEL NO. 15:
(Title vested by virtue of Deed recorded in ORB ___/___).

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida; thence South on the West line of said Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to the North line of said Lot 4 a distance of 549.75 feet to a concrete post on the East right of way line of U.S. Highway #1; thence Southeasterly along said East right of way line a distance of 266 feet South of the last course by perpendicular measure to a concrete post; thence East parallel to the North line of said Lot 4 a distance of 695.67 feet to a concrete post for a Point of Beginning; thence south a distance of 90 feet; thence East parallel to the North line of said Government Lot 4 a distance of 150 feet; thence North a distance of 90 feet; thence West along a line parallel to the North line of said Government Lot 4 a distance of 150 feet to the Point of Beginning; together with easement for road right of way 20 feet wide running East and West from the Indian River to said Highway and bordering said parcel on the South and together with all riparian, littoral and shore rights belonging or in anywise pertaining.

PARCEL NO. 16:
(Title vested by virtue of Deed recorded in ORB 858/333).

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida; thence South on the West line of said Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to the North line of said Lot 4 a distance of 549.75 feet to a concrete post on the East right-of-way line of U. S. Highway No. 1; thence Southeasterly along said East right-of-way line a distance of 266 feet (the 266 feet measured perpendicularly) to a concrete post; thence East parallel to North line of said Lot 4 a distance of 845 feet to a concrete post for point of beginning; thence South a distance of 90 feet; thence East parallel to the North line of said Lot 4 a distance of 90 feet; thence North a distance of 90 feet; thence West parallel to the North line of said Government Lot 4 a distance of 90 feet to the Point of Beginning and being in Government Lot 4, Section 19, Township 23 South, Range 36 East, together with easement for road right-of-way 20 feet wide running East and West from Indian River to said Highway and bordering said parcel on the South.

PARCEL NO. 17:
(Title vested by virtue of Deed recorded in ORB 858/336).

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida, thence South on the West line of said Lot 4 a distance of

Continued on next page

CFN:99045280
OR Book/Page: 3976 / 3009

CAPE KENNEDY
618-BREV-23

EASEMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS that FLORIDA POWER & LIGHT COMPANY, a Florida corporation, sometimes hereinafter referred to as "Grantor", in consideration of the sum of One Dollar ($1.00) and other valuable considerations, receipt of which is hereby acknowledged, does hereby grant to the FLORIDA GAS TRANSMISSION COMPANY, a Delaware corporation, its successors and assigns, sometimes hereinafter referred to as "Grantee", the right to construct, maintain, inspect, operate, protect, repair, replace, change the size of, or remove a pipeline and appurtenances, for the transportation of natural gas, gases or substances which can be transported through a pipeline, in, over, upon and across the following described lands of the Grantor, situated in the County of Brevard and State of Florida.

Said pipeline to be located on Grantor's property within the following described easement.

A right of way and easement extending 10 feet each side of the following described survey line: For a point of reference, commence at the southwest corner of Lot 32 "Plat of Clearview Terrace" as recorded in Plat Book 12, page 46 of the public records of Brevard County, Florida, thence N 79°55'52" E along the north right of way line of Clear View Drive and the projection of the north right of way line of Clear View Drive 636 feet to the westerly right of way line of Hwy U. S. No. 1, thence N 66°34'42" E 173.95 feet, thence N 14°26'58" W 10.94 feet, thence S 75°33'02" W 15 feet to the Point of Beginning of this description; (said point being a concrete monument) thence N 75°33'02" E a distance of 22 feet to the point of beginning of this right of way and easement; thence S 14°26'58" E a distance of 94 feet; thence S 75°33'02" W to the point of terminus of said easement on the Easterly right of way line of U. S. Hwy No. 1, all in Section 19, Township 23 South, Range 36 East, Brevard County, Florida.

The Grantee takes cognizance of the fact that the electric lines of the Grantor on or adjacent to the property covered by the herein granted easements are conductors of high voltage electricity; that the Grantee agrees to exercise extraordinary precaution so as to prevent damage or injury to property or persons in the vicinity of such lines; and that the Grantee agrees to notify its employees, agents, contractors, invitees and licensees of the existence of said high voltage lines.

The Grantor shall have and reserves to itself and to its successors and assigns and to others the right and privilege to install, operate and maintain electric and other public utility facilities, including but not limited to electric transmission and distribution lines and underground electric, water and other conduits and pipes in accordance with standard construction and operating standards across the granted easement, however, in exercising this right Grantor agrees not to build, construct or create, nor permit others to build, construct or create, any buildings or other structures on the herein granted easement that will interfere with the normal operation and maintenance of said pipelines.

That Grantee shall indemnify and save Grantor harmless from all loss, liability and expense, including legal fees and expenses, for the death or injury of any person and damage to any property during the term of the easement hereby granted, without reference to negligence, resulting from or connected with the easements hereby granted.

The pipeline to be laid under this easement grant shall be buried to a depth sufficient to allow for the operation of heavy equipment over said pipeline and shall be constructed and laid as closely as practicable along the survey line described herein.

The Grantee shall notify Grantor's representative, Mr. J. H. McAfee, Cocoa, Florida, giving at least five (5) days notice of when it wishes to start construction of the facilities under this grant.

All of the rights of the Grantee hereunder may be assigned to a Trustee or Trustees under a deed and mortgage as security for indebtedness of the Grantee and such rights may be further assigned in connection with the enforcement of any such deed of trust and mortgages; the obligations hereunder of Grantee may be performed by such Trustee or Trustees or any further assignee without releasing Grantee therefrom but neither such assignment, the acceptance thereof nor any performance hereunder by such Trustee or Trustees or further assignee shall obligate such Trustee or Trustees or assignee to perform such obligation.

The terms and conditions hereof shall be binding upon and inure to the benefit of the successors, trustees and assigns of the parties hereto.

The term of this easement shall be concurrent with the term of that certain Natural Gas Transportation Agreement dated March 12, 1965, covering the supply of gas to said Cape Kennedy, and shall terminate upon that termination of such Agreement.

WITNESS the signature and seal of Grantor, by its proper officers this 9 day of May, 1968.

WITNESS:

Barbara H. Kennedy

Ruth O. Spencer

FLORIDA POWER & LIGHT COMPANY

By: _____
Executive Vice President

Attest: _____
Secretary

STATE OF FLORIDA)
COUNTY OF DADE)

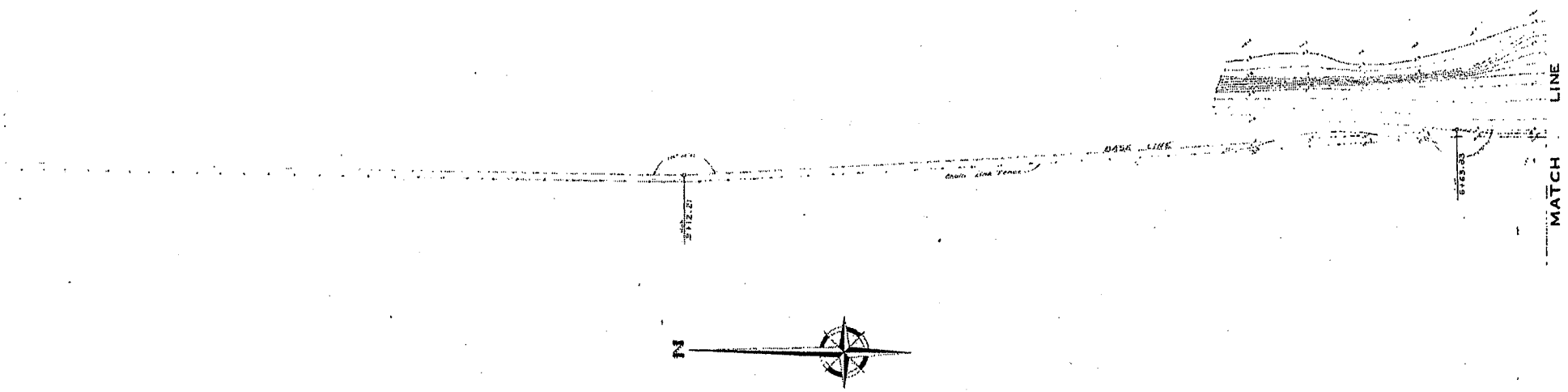
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared R. C. Fullerton and W. F. Blaylock to me known and known to be the persons described in and who executed the foregoing instrument as its Executive Vice President and Secretary, respectively, of the corporation named therein, and severally acknowledged before me that they executed the same as such officers in the name and on behalf of said corporation.

WITNESS my hand and official seal in the State and County last aforesaid this 9 day of May, 1968.

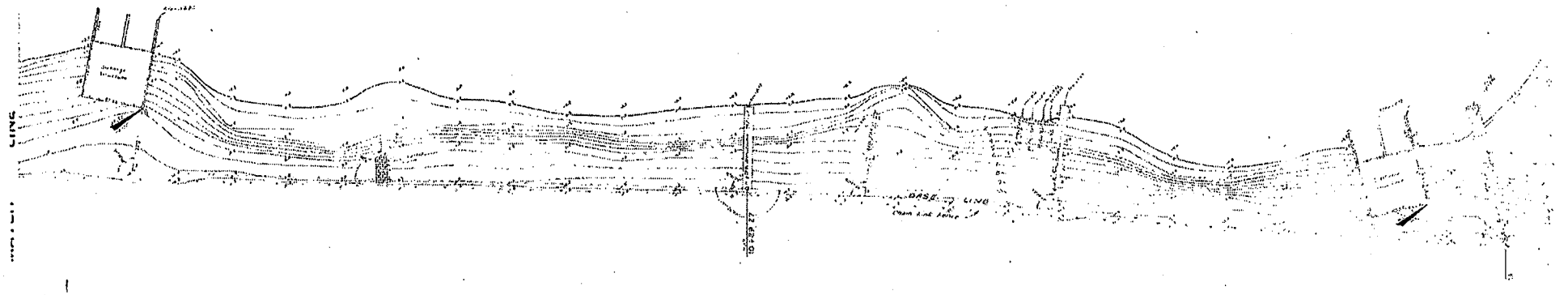
Lem L. Bentley
Notary Public

My commission expires:
NOTARY PUBLIC, STATE of FLORIDA at LARGE
MY COMMISSION EXPIRES SEPT. 7, 1968

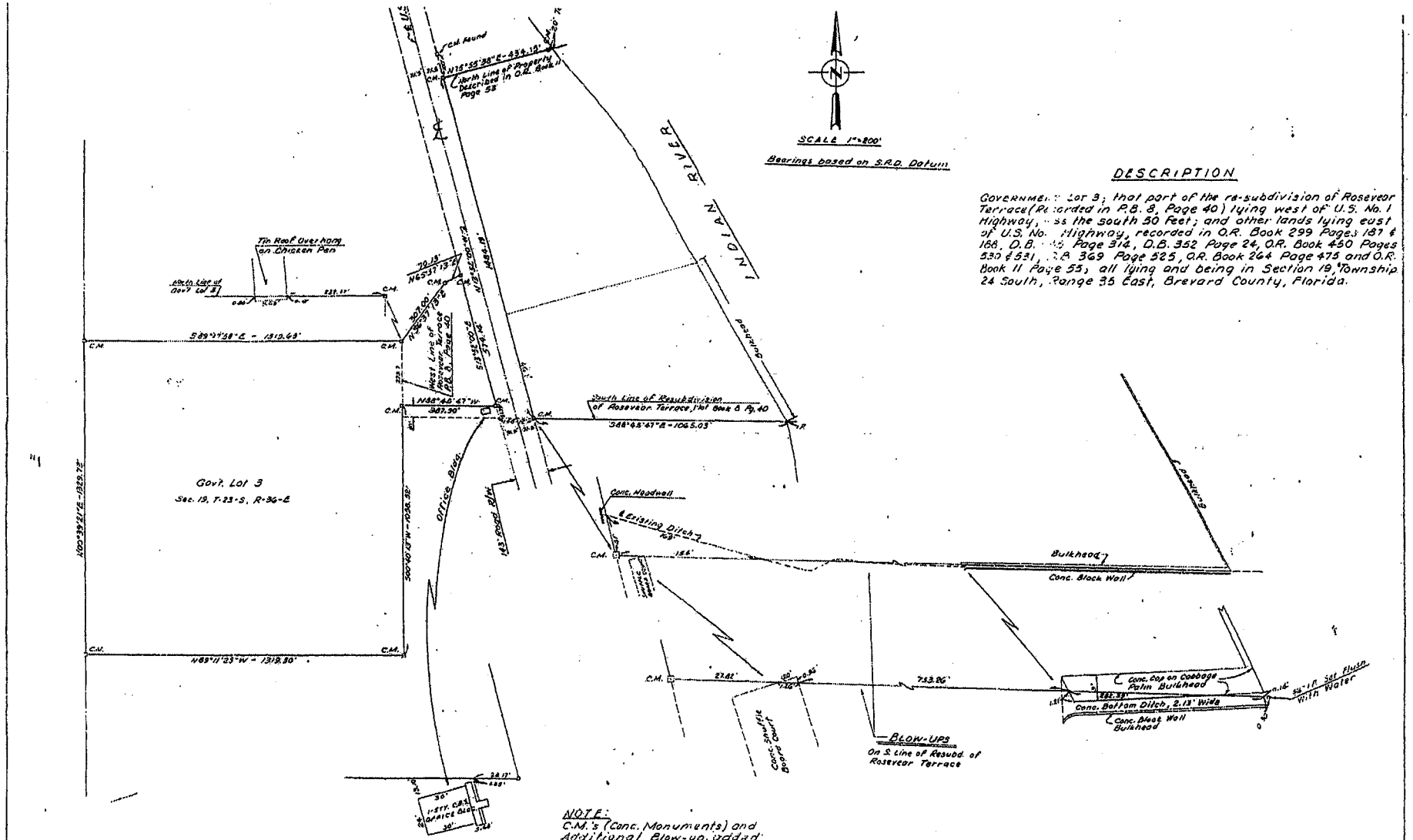
INDIAN RIVER



INDIAN RIVER



TOPOGRAPHIC SURVEY



DESCRIPTION

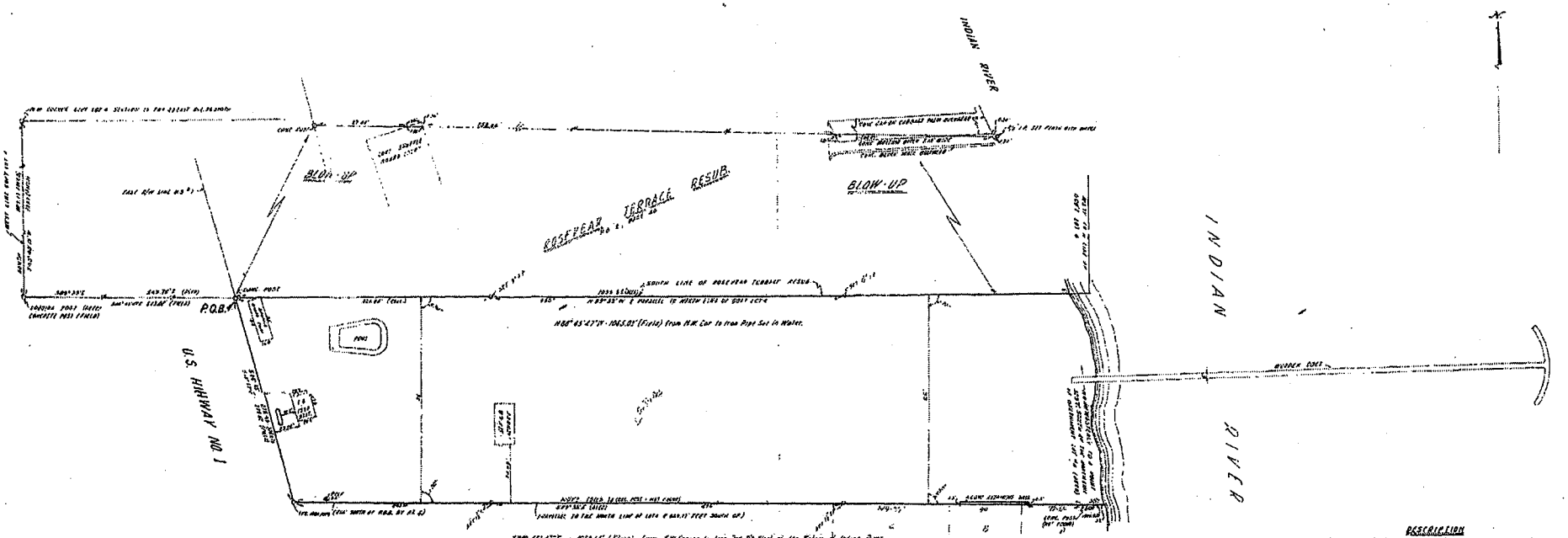
Government Lot 3; that part of the re-subdivision of Roseveor Terrace (Recorded in P.B. 8, Page 40) lying west of U.S. No. 1 Highway, less the south 50 Feet; and other lands lying east of U.S. No. 1 Highway, recorded in O.R. Book 299 Pages 187 & 188, D.B. [illegible] Page 314, D.B. 352 Page 24, O.R. Book 450 Pages 530 & 531, D.B. 369 Page 525, O.R. Book 264 Page 475 and O.R. Book 11 Page 53; all lying and being in Section 19, Township 24 South, Range 35 East, Brevard County, Florida.

NOTE:
C.M.'s (Conc. Monuments) and Additional Blow-up, added on 10-29-62.

FOR:
SNOW & CAMPBELL

Reg. Florida Land Surveyor No. 1111

GEE & JENSON LAND SURVEYORS INC.
COCOA FLORIDA
8-28-62 Job No. CCC-243.3



DESCRIPTION

THAT PART OF GOVERNMENT LOT 4, SECTION 17, TOWNSHIP 33 SOUTH, RANGE 38 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGIN AT THE NW CORNER OF THE STANISLAW CONDOMINIUM LOT 6; RUN S 0° E ALONG THE W LINE OF SAID GOVERNMENT LOT 4, 333.17 FEET TO A CONCRETE POST; THENCE S 89° 55' E 65.0 FEET, MORE OR LESS TO A CONCRETE POST SET ON THE EAST SIDE OF U.S. HIGHWAY NO. 1, POINT OF BEGINNING; FROM SAID POINT OF BEGINNING RUN THENCE CONTINUE S 89° 55' E ALONG SAID MAINTAINED STAKED FENCE, TO A CONCRETE POST, WHICH POST IS 66 FEET E OF THE POINT OF BEGINNING BY ANGLE MEASUREMENTS; THENCE RUN S 89° 55' E AND PARALLEL TO THE N LINE OF SAID GOVERNMENT LOT NO 11 FEET, A DISTANCE OF 1058 FEET, MORE OR LESS, TO A CONCRETE POST; THENCE 10 50 FEET, MORE OR LESS, TO AND WITH THE WATERS OF THE INDIAN RIVER, THENCE MEANDERING SAID THE WATERS OF THE INDIAN RIVER TO A POINT DISTANT 95 FEET BY ANGLE MEASUREMENTS S OF THE N LINE OF GOVERNMENT LOT 4, 1058 FEET; THENCE N 89° 55' W AND PARALLEL TO THE N LINE OF SAID GOVERNMENT LOT 4, 1058 FEET, MORE OR LESS, TO THE POINT OF BEGINNING

PLAT OF SURVEY

FOR: PAUL ROBERTS

SCALE: 1"=100' DRAWN:

DATE: 11/26/86 CHECKED

JOB NO. 86-1206 APPROVED

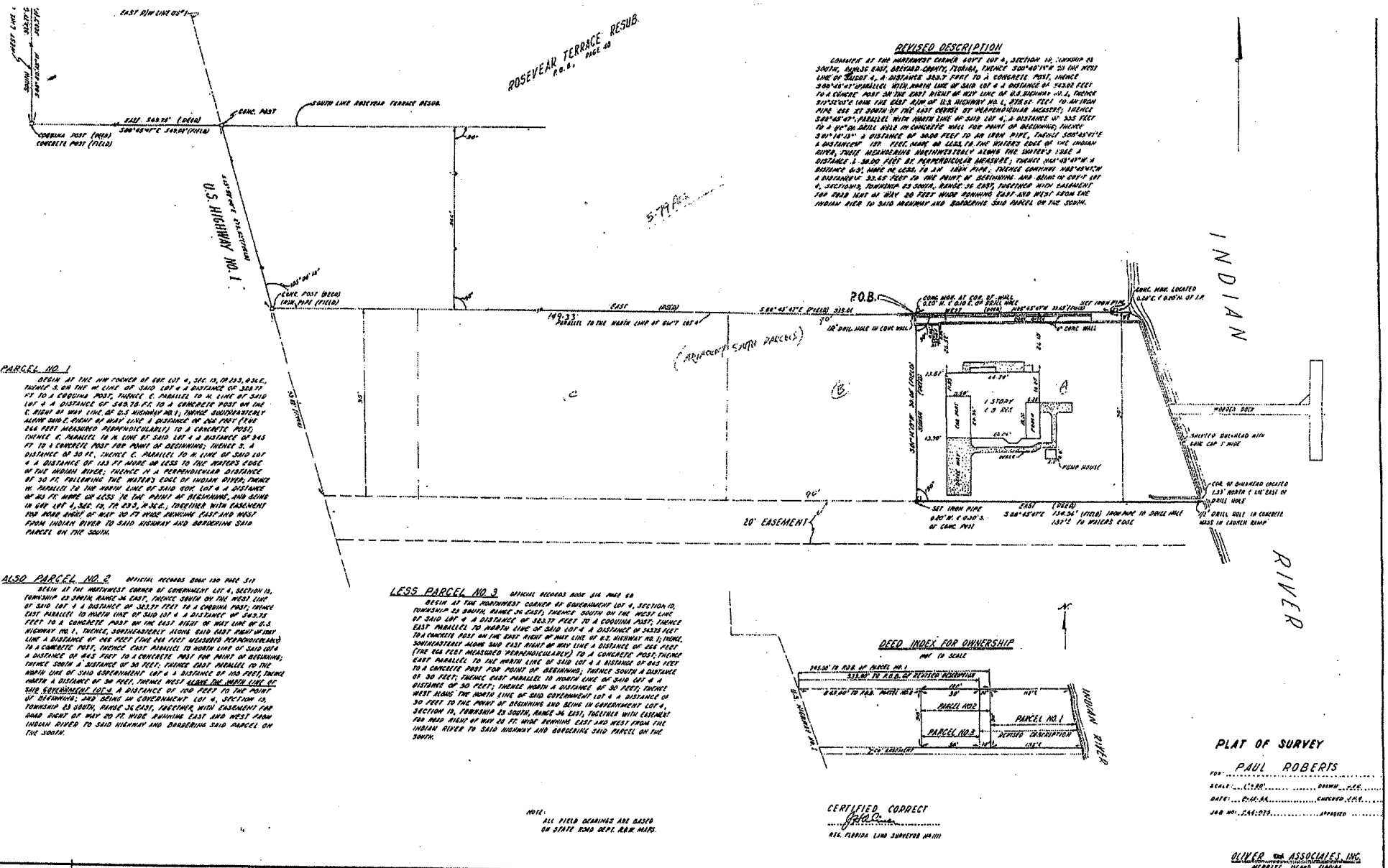
CERTIFIED CORRECT

Date:

REG. FLORIDA LAND SURVEYOR NO.

OLIVER and ASSOCIATES, INC.

MERRITT ISLAND, FLORIDA



REVISED DESCRIPTION

COMMENCE AT THE NORTHWEST CORNER GOVT LOT 4, SECTION 13, TOWNSHIP 23 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA; THENCE S00°45'47"E ON THE WEST LINE OF SAID LOT 4, A DISTANCE 223.7 FEET TO A CONCRETE POST; THENCE S.88°45'47"E PARALLEL WITH NORTH LINE OF SAID LOT 4 A DISTANCE OF 343.02 FEET TO A CONC. POST ON THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE S13°52'00"E ALONG THE EAST R/W OF U.S. HIGHWAY NO. 1, 278.02 FEET TO AN IRON PIPE LESS 25' SOUTH OF THE LAST CURVE BY PERPENDICULAR MEASURE; THENCE S.88°45'47"E PARALLEL WITH NORTH LINE OF SAID LOT 4, A DISTANCE OF 325 FEET TO A 1/2" DRILL HOLE IN CONCRETE WALL FOR POINT OF BEGINNING; THENCE S 01°14'13" W A DISTANCE OF 30.00 FEET TO AN IRON PIPE, THENCE S.88°45'47"E A DISTANCE OF 137 FEET, MORE OR LESS, TO THE WATERS EDGE OF THE INDIAN RIVER, THEN MEANDERING NORTHWESTERLY ALONG THE WATER'S EDGE A DISTANCE S 30.00 FEET BY PERPENDICULAR MEASURE; THENCE N.88°45'47"W A DISTANCE 0.0', MORE OR LESS, TO AN IRON PIPE; THENCE CONTINUE N.88°45'47"W A DISTANCE OF 99.65 FEET TO THE POINT OF BEGINNING AND BEING OF GOVT LOT 4, SECTION 13, TOWNSHIP 23 SOUTH, RANGE 36 EAST, TOGETHER WITH EASEMENT FOR ROAD RIGHT OF WAY 20 FT WIDE RUNNING EAST AND WEST FROM THE INDIAN RIVER TO SAID HIGHWAY AND BORDERING SAID PARCEL ON THE SOUTH.

PARCEL NO. 1

BEGIN AT THE NW CORNER OF GOVT LOT 4, SEC. 13, TP 23 S, R 36 E, THENCE S. ON THE W. LINE OF SAID LOT 4 A DISTANCE OF 328.77 FT. TO A CORDINA POST; THENCE E. PARALLEL TO N. LINE OF SAID LOT 4 A DISTANCE OF 349.75 FT. TO A CONCRETE POST ON THE E. RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE SOUTHEASTERLY ALONG SAID E. RIGHT OF WAY LINE A DISTANCE OF 266 FEET (266 FEET MEASURED PERPENDICULARLY) TO A CONCRETE POST; THENCE E. PARALLEL TO N. LINE OF SAID LOT 4 A DISTANCE OF 345 FT. TO A CONCRETE POST FOR POINT OF BEGINNING; THENCE S. A DISTANCE OF 30 FT., THENCE E. PARALLEL TO N. LINE OF SAID LOT 4 A DISTANCE OF 133 FT MORE OR LESS TO THE WATER'S EDGE OF THE INDIAN RIVER; THENCE IN A PERPENDICULAR DISTANCE OF 30 FT. FOLLOWING THE WATER'S EDGE OF INDIAN RIVER; THENCE W. PARALLEL TO THE NORTH LINE OF SAID GOVT LOT 4 A DISTANCE OF 163 FT. MORE OR LESS TO THE POINT OF BEGINNING, AND BEING IN GOVT LOT 4, SEC. 13, TP. 23 S., R 36 E.; TOGETHER WITH EASEMENT FOR ROAD RIGHT OF WAY 20 FT WIDE RUNNING EAST AND WEST FROM INDIAN RIVER TO SAID HIGHWAY AND BORDERING SAID PARCEL ON THE SOUTH.

ALSO PARCEL NO 2

OFFICIAL RECORDS BOOK 190 PAGE 511

BEGIN AT THE NORTHWEST CORNER OF GOVERNMENT LOT 4, SECTION 13, TOWNSHIP 23 SOUTH, RANGE 36 EAST, THENCE SOUTH ON THE WEST LINE OF SAID LOT 4 A DISTANCE OF 353.77 FEET TO A CORDINA POST; THENCE EAST PARALLEL TO NORTH LINE OF SAID LOT 4 A DISTANCE OF 349.75 FEET TO A CONCRETE POST ON THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY NO 1, THENCE, SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 266 FEET (266 FEET MEASURED PERPENDICULARLY) TO A CONCRETE POST, THENCE EAST PARALLEL TO NORTH LINE OF SAID LOT 4 A DISTANCE OF 445 FEET TO A CONCRETE POST FOR POINT OF BEGINNING; THENCE SOUTH A DISTANCE OF 30 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID GOVERNMENT LOT 4 A DISTANCE OF 100 FEET, THENCE NORTH A DISTANCE OF 30 FEET; THENCE WEST ALONG THE NORTH LINE OF THIS GOVERNMENT LOT 4 A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING; AND BEING IN GOVERNMENT LOT 4, SECTION 13, TOWNSHIP 23 SOUTH, RANGE 36 EAST, TOGETHER WITH EASEMENT FOR ROAD RIGHT OF WAY 20 FT WIDE RUNNING EAST AND WEST FROM INDIAN RIVER TO SAID HIGHWAY AND BORDERING SAID PARCEL ON THE SOUTH.

LESS PARCEL NO 3

OFFICIAL RECORDS BOOK 516 PAGE 68

BEGIN AT THE NORTHWEST CORNER OF GOVERNMENT LOT 4, SECTION 13, TOWNSHIP 23 SOUTH, RANGE 36 EAST; THENCE SOUTH ON THE WEST LINE OF SAID LOT 4 A DISTANCE OF 323.77 FEET TO A CORDINA POST; THENCE EAST PARALLEL TO NORTH LINE OF SAID LOT 4 A DISTANCE OF 345.26 FEET TO A CONCRETE POST ON THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE, SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 266 FEET (THE 266 FEET MEASURED PERPENDICULARLY) TO A CONCRETE POST; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID LOT 4 A DISTANCE OF 845 FEET TO A CONCRETE POST FOR POINT OF BEGINNING; THENCE SOUTH A DISTANCE OF 30 FEET; THENCE EAST PARALLEL TO NORTH LINE OF SAID LOT 4 A DISTANCE OF 30 FEET; THENCE NORTH A DISTANCE OF 30 FEET; THENCE WEST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 4 A DISTANCE OF 30 FEET TO THE POINT OF BEGINNING AND BEING IN GOVERNMENT LOT 4, SECTION 13, TOWNSHIP 23 SOUTH, RANGE 36 EAST, TOGETHER WITH EASEMENT FOR ROAD RIGHT OF WAY 20 FT WIDE RUNNING EAST AND WEST FROM THE INDIAN RIVER TO SAID HIGHWAY AND BORDERING SAID PARCEL ON THE SOUTH.

NOTE:
ALL FIELD BEARINGS ARE BASED ON STATE ROAD DEPT. R.R.W. MAPS.

CERTIFIED CORRECT

REG. FLORIDA LAND SURVEYOR NO.1111

PLAT OF SURVEY

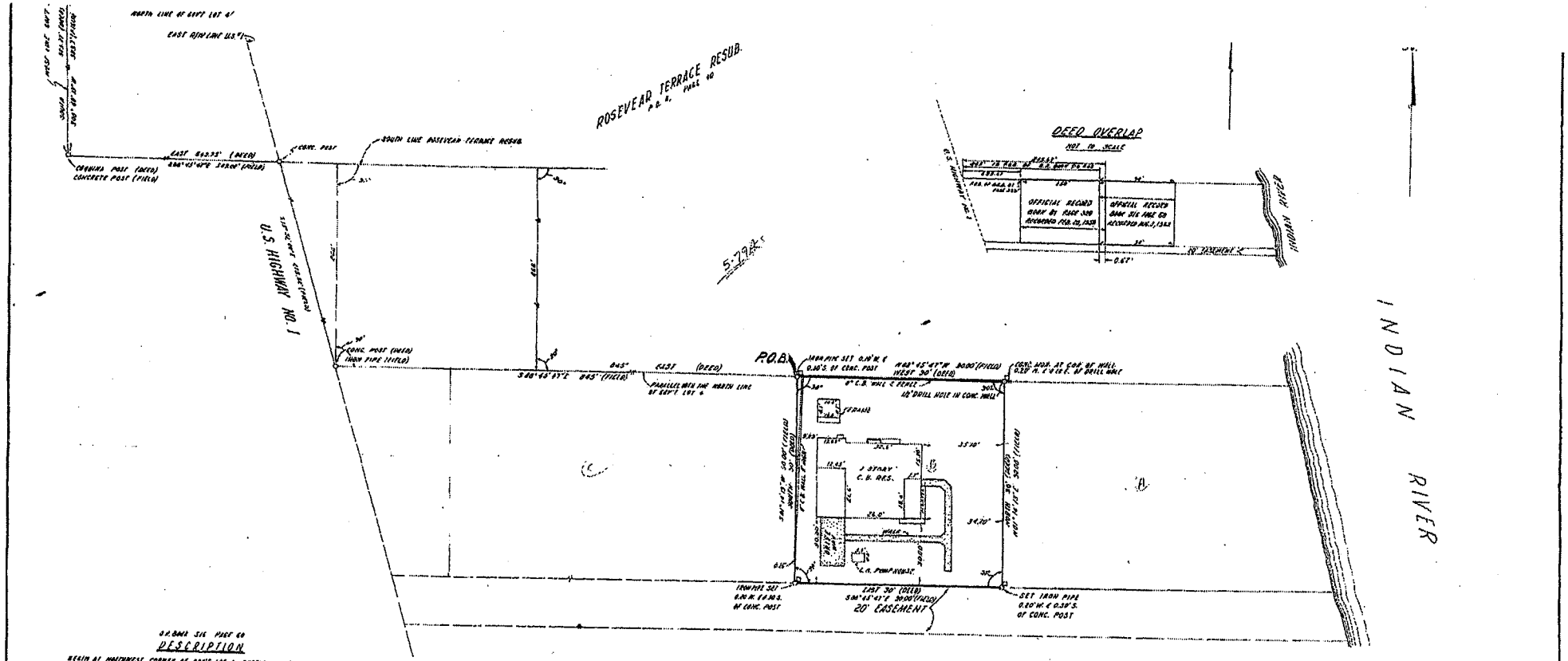
FOR: PAUL ROBERTS

SCALE: 1"=30' DRAWN: P.E.K.

DATE: 6-15-84 CHECKED: J.H.K.

JOB NO.: 2-84-079 APPROVED:

OLIVER & ASSOCIATES, INC.
MERRITT ISLAND, FLORIDA



O.R. BOOK 316 PAGE 69

DESCRIPTION

BEGIN AT NORTHWEST CORNER OF GOVT LOT 4, SECTION 13, TOWNSHIP 23 SOUTH, RANGE 36 EAST, ORCHARD COUNTY, FLORIDA, THENCE SOUTH ON THE WEST LINE OF SAID LOT 4, A DISTANCE OF 383.77 FEET TO A CHIQUINA POST; THENCE EAST PARALLEL TO NORTH LINE OF SAID LOT 4 A DISTANCE OF 343.70 FEET TO A CONCRETE POST ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1, THENCE, SOUTHEASTERLY ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 366 FEET (THE 346 FEET MEASURED PERPENDICULARLY) TO A CONCRETE POST; THENCE EAST PARALLEL TO NORTH LINE OF SAID LOT 4 A DISTANCE OF 645 FEET TO A CONCRETE POST FOR POINT OF BEGINNING; THENCE SOUTH A DISTANCE OF 30 FEET, THENCE EAST PARALLEL TO NORTH LINE OF SAID LOT 4 A DISTANCE OF 30 FEET, THENCE NORTH A DISTANCE OF 30 FEET; THENCE WEST ALONG THE NORTH LINE OF SAID PERCHASED LOT 4, A DISTANCE OF 30 FEET TO THE POINT OF BEGINNING AND BEING IN GOVERNMENT LOT 4, SECTION 13, TOWNSHIP 23 SOUTH, RANGE 36 EAST, TOGETHER WITH EASEMENT FOR ROAD RIGHT-OF-WAY 20 FEET WIDE RUNNING EAST AND WEST FROM INDIAN RIVER TO SAID HIGHWAY AND BOUNDING SAID PARCEL ON THE SOUTH.

REVISED DESCRIPTION

COMMENCE AT THE NORTHWEST CORNER OF GOVT LOT 4, SECTION 13, TOWNSHIP 23 SOUTH, RANGE 36 EAST, BRETHARD COUNTY, FLORIDA, THENCE S 88°45'47"E ON THE WEST LINE OF SAID LOT 4, A DISTANCE OF 383.77 FEET TO A CONCRETE POST; THENCE S88°45'47"E PARALLEL WITH NORTH LINE OF SAID LOT 4 A DISTANCE OF 343.70 FEET TO A CONCRETE POST ON THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE, S15°30'00"E ALONG THE EAST R/W OF U.S. HIGHWAY NO. 1; 615.82 FEET TO AN IRON PIPE 126 FEET UNDER 6" DIA. CAST COURSE BY PERPENDICULAR MEASURE; THENCE S88°45'47"E PARALLEL WITH NORTH LINE OF SAID LOT 4, A DISTANCE OF 645 FEET TO AN IRON PIPE FOR POINT OF BEGINNING; THENCE S34°10'W A DISTANCE OF 30.00 FEET; THENCE S88°45'47"E PARALLEL WITH NORTH LINE OF SAID LOT 4, A DISTANCE OF 30.00 FEET; THENCE N34°10'E A DISTANCE OF 30.00 FEET; THENCE N88°45'47"W PARALLEL WITH NORTH LINE OF SAID LOT 4, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING AND BEING IN GOVERNMENT LOT 4, SECTION 13, TOWNSHIP 23 SOUTH, RANGE 36 EAST, TOGETHER WITH EASEMENT FOR ROAD RIGHT OF WAY 20 FEET WIDE RUNNING EAST AND WEST FROM INDIAN RIVER TO SAID HIGHWAY AND BOUNDING SAID PARCEL ON THE SOUTH.

NOTE: THE ABOVE REVISED DESCRIPTION IS IN REFERENCE TO THE COURSES AND DISTANCES CALLED FOR IN OFFICIAL RECORD BOOK 316 PAGE 69 AND NOT TO THE OVERLAP BY THE DESCRIPTION AS PER OFFICIAL RECORD BOOK 89 PAGE 336

NOTE: ALL FIELD BEARINGS ARE BASED ON STATE ROAD DEPT. R.R.R. MAPS.

CERTIFIED CORRECT
Dated .....
REG. FLORIDA LAND SURVEYOR #5181

PLAT OF SURVEY

FOR PAUL ROBERTS

SCALE 1"=100' DRAWN JRS.

DATE 4-15-66 CHECKED [illegible]

JOB NO. F&R 663 APPROVED

OLIVER AND ASSOCIATES, INC.
SURVEYORS TITUSVILLE, FLORIDA

FDEP PERPETUAL EXEMPTION

FDEP ENVIRONMENTAL RESOURCES PERMIT
NO. 05–275958–4

Department of Environmental Protection

ORIGINAL

Lawton Chiles
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Virginia B. Wetherell
Secretary

CERTIFIED MAIL
Z 364 626 950

RECEIVED

JUN 19 1996

ENVIRONMENTAL SERVICES

Florida Power and Light Company
Attn: Jim L. Brawner
Environmental Specialist II
Post Office Box 088801
North Palm Beach, FL 33408-8801

File No.: 05-275958-4
Applicant: FPL (Cape Canaveral Plant)

Dear Mr. Brawner:

You are hereby granted authorization, pursuant to Chapter 253.77, F.S., to use sovereign submerged lands to maintenance dredge 49,000 cubic yards of material, as proposed in the Wetland Resource Exemption No. 05-275958-4 dated August 24, 1995 showing the location in the Indian River, Brevard County, Section 19, Township 23 South, Range 36 East. This authorization is conditioned upon:

1. Receipt of a U.S. Army Corps of Engineers (ACOE) permit if it is required by the ACOE prior to beginning the authorized construction and/or activities. Any modifications to the construction and/or activities authorized herein that may be required by the ACOE shall require consideration by and the prior written approval of the Department of Environmental Protection prior to the commencement of construction and/or any activities on sovereignty, submerged lands.

2. Acceptance of and compliance with the attached General Consent Conditions.

Please consider this the conditional authority sought under Section 253.77, Florida Statutes, to pursue this project. Your rights pursuant to Chapter 120, Florida Statutes, are described in the enclosed notice.

This letter of consent in no way waives the authority and/or jurisdiction of any government entity, nor does it disclaim any title interest the state may have in the project site. Please check with your local government for specific requirements. Where local governments have standards, the more stringent standards shall apply.

ORIGINAL

Please retain this letter, as it constitutes consent to use sovereign submerged lands by the Submerged Lands and Environmental Resources Program.

Thank you for your cooperation. If you have any questions, please contact Susan Leitholf at the above letterhead address or call 407/894-7555.

Sincerely,

George Gionis

George Gionis
Environmental Program Administrator
Submerged Lands and Environmental
Resources Program

GG:SL
GG:sl

Date: June 12, 1996

Enclosures w/120 Notice

Department of Environmental Protection

ORIGINAL

Lawton Chiles
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Virginia B. Wetherell
Secretary

NOTICE

Florida Power and Light Company
Attn: Jim L. Brawner
Environmental Specialist II
Post Office Box 088801
North Palm Beach, FL 33408-8801

BOT File No.: 05-275958-4

The applicant (Lessee/Grantee) and any other person whose interest may be affected by this decision has the right to request an administrative hearing pursuant to Chapter 120, Florida Statues. However, any request must be received by the Department no later than 21 days from the date of receipt of this notification and should be directed to:

Office of General Counsel
Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

This request for hearing must contain a petition setting forth the factual and legal grounds for contesting this decision. Upon receipt, the petition will be filed by the Department with the Division of Administrative Hearings and notification of all future proceedings will come from that agency.

Failure to request a hearing in a timely manner, and in the manner prescribed, will cause this decision to become final as to any person receiving notice, pursuant to Section 120.68, Florida Statutes, and Rules 9.03(b)(1)(c) and 9.110, Florida Rules of Appellate Procedure. To initiate an appeal of this order once it becomes final, a Notice of Appeal must be filed with the District Court of Appeal within 30 days of the filing of the Final Order with the Agency Clerk. A Notice of Appeal filed with the District Court of Appeal must be accompanied by the filing fee specified in Section 35.22(3), Florida Statutes.

Submerged Lands and Environmental Resources Program

DEPARTMENT OF ENVIRONMENTAL PROTECTION
SUBMERGED LANDS & ENVIRONMENTAL RESOURCES PROGRAM
GENERAL CONSENT CONDITIONS

ORIGINAL

Project No. 05-275958-4

1. No activities other than those set forth in the attached letter dated June 10, 1996 are authorized. Any additional activities on state-owned sovereignty submerged lands must receive further consent from the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund (hereinafter the "Board") or their properly designated agent.

2. Grantee agrees that all title and interest to all lands lying below the historical mean high water line or ordinary high water line are vested in the Board, and shall make no claim of title or interest in said lands by reason of the occupancy or use thereof.

3. Grantee agrees to use or occupy the subject premises for those purposes specified herein, and Grantee shall not permit the premises or any part thereof to be used or occupied for any other purpose or knowingly permit or suffer any nuisances or illegal operations of any kind on the premises.

4. Grantee agrees to maintain the premises in good condition in the interest of the public health, safety and welfare. The premises are subject to inspection by the Board or its designated agent at any reasonable time.

5. Grantee agrees to indemnify, defend and hold harmless the Board and the State of Florida from all claims, actions, lawsuits and demands arising out of this consent.

6. No failure, or successive failures, on the part of the Board to enforce any provision, waiver or successive waivers on the part of the Board of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Board to enforce the same in the event of subsequent breach.

7. Grantee binds itself and its successors and assigns to abide by the provisions and conditions set forth herein. In the event Grantee fails or refuses to comply with the provisions and conditions of this consent, the consent of use may be terminated by the Board after written notice to the Grantee. Upon receipt of such notice, the Grantee shall have thirty (30) days in which to correct the violation. Failure to correct the violations within this period shall result in the automatic revocation of this Letter of Consent.

8. All costs, including attorneys' fees, incurred by the Board in enforcing the terms and conditions of this consent shall be paid by the Grantee. Grantee agrees to accept service by certified mail of any notice required by Chapter 18-14, Florida Administrative Code, at the address shown on page one of this Agreement and further agrees to notify the Board in writing of any change of address at least ten days before the change becomes effective.

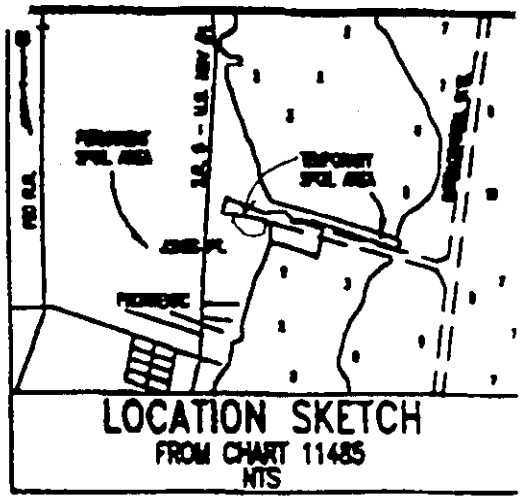
9. Grantee agrees to assume responsibility for all liabilities that accrue to the sovereignty submerged land or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the property during the effective period of this consent.

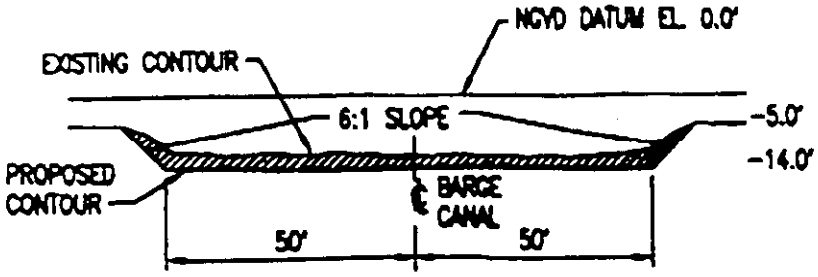
10. Grantee agrees that any dispute arising from matters relating to this consent shall be governed by the laws of Florida and initiated only in Leon County, Florida.

11. The Letter of Consent associated with these General Consent Conditions as well as these conditions themselves are subject to modification after 5 years in order to reflect any applicable changes in statutes, rule or policies of the Board or its designated agent.

12. In the event that any part of the structure(s) consented to herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Grantee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this consent and shall be grounds for its immediate termination.

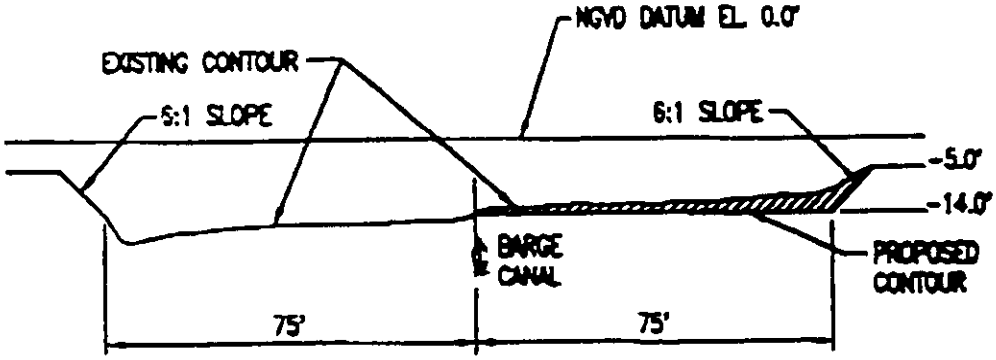
09/30/94





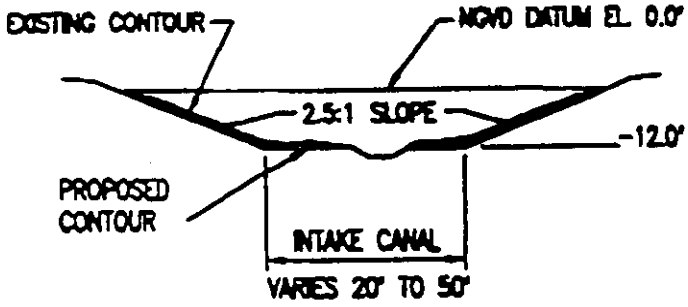
SECTION A-A

SCALE: HORIZ. 0' 20' 40'



SECTION B-B

SCALE: HORIZ. 0' 20' 40'



SECTION C-C

NTS

NOTES:

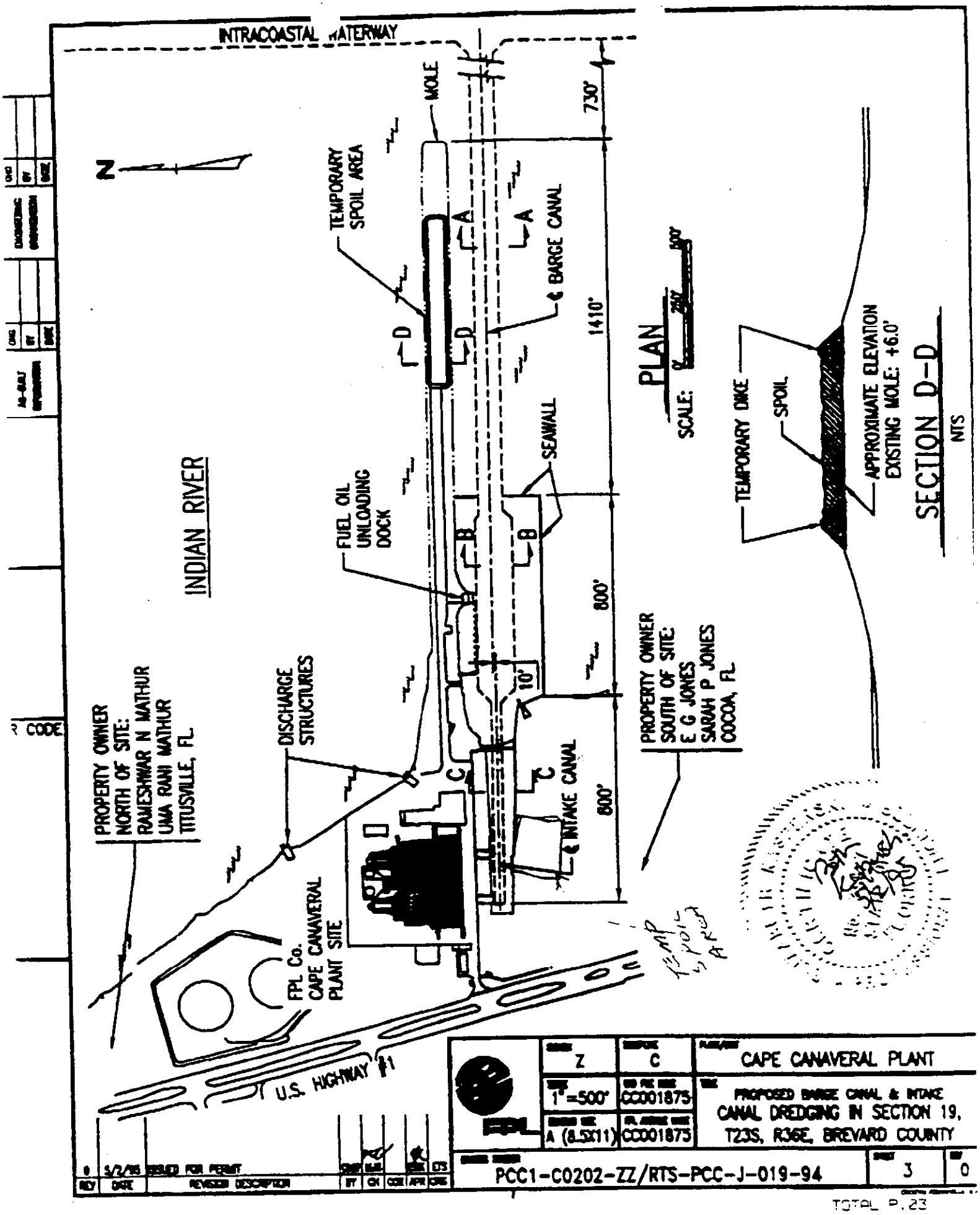
1. DATUM IS NGVD. M.L.W. = -0.10
   M.H.W. = 0.22
2. DREDGE QUANTITIES:
   INTAKE CANAL 450 CUBIC YARDS
   BARGE CANAL 49,000 CUBIC YARDS
3. SPOIL MATERIAL TO BE ULTIMATELY DISPOSED OF AT AN APPROVED LANDFILL.

	ZZ	C
	1"=40'	CC001574

CAPE CANAVERAL PLANT

PROPOSED BARGE CANAL & INTAKE CANAL DREDGING IN SECTION 19.

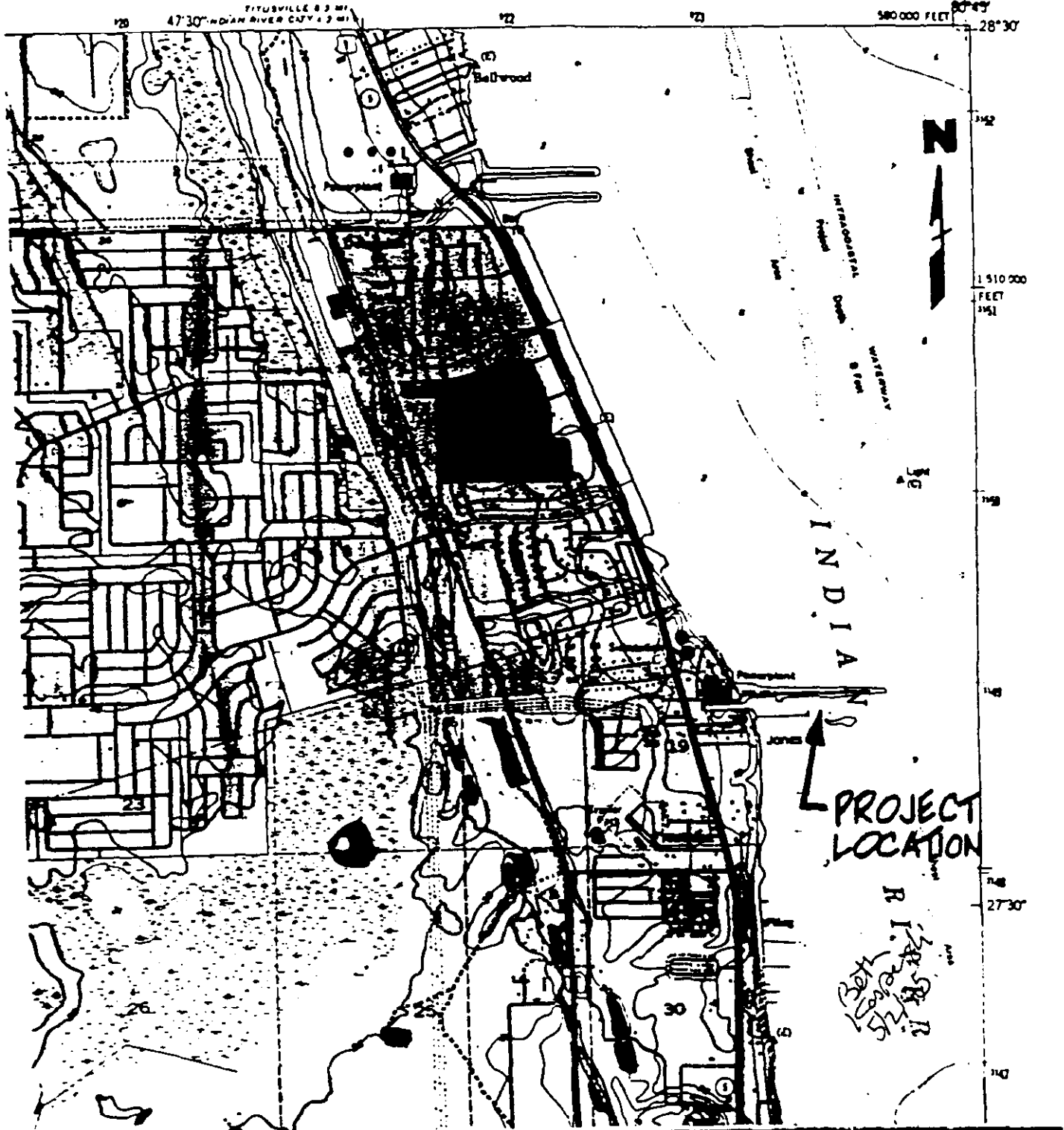
ATTACHMENT V



TOTAL P.23

lands by the Submerged Lands and Environmental Resources Program.

SHARPES QUADRANGLE
FLORIDA
7.5 MINUTE SERIES (TOPOGRAPHIC)



FPL	ZZ	C	CAPE CANAVERAL PLANT
	N/A		PROPOSED BARGE CANAL & INTAKE CANAL DREDGING IN SECTION 19, T23S, R36E, BREVARD CO.
	A (8.5X11)		

REV	DATE	REVISION DESCRIPTION	BY	CH	COR	APR	ENG
0	5/1/96	ISSUED FOR PERMIT					

PCCI-C0202-ZZ/RTS-PCC-J-019-94

Department of Environmental Protection

Lawton Chiles
Governor

Central District
33 I9 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Virginia B. Wetherell
Secretary

RECEIVED
AUG 2 9 1995

Notification of Exemption
August 24, 1995

Florida Power and Light Company
11770 U.S. Highway One, 4 th Floor
Jim Brawner, Jen-GB
North Palm Beach, Florida 33408

ENVIRONMENTAL AFFAIRS

Brevard County - ERP
File No. 05-275954-4

Dear Mr. Brawner:

This is to acknowledge receipt of your application, File No. 05-275958-4, to maintenance dredge intake and barge canals at the Canaveral Power Plant. The project is located in Section 19, Township 23 South, Range 36 East in Brevard County. Based upon the forms, drawings, and documents submitted on August 16, 1995, the proposed project appears to qualify as an activity which is exempt from the need for a Department wetland resource permit under Florida Administrative Code Rule 62-312.050(1)(e). A copy of the applicable language for this exemption is attached. This determination is based solely on the information provided the Department and the statutes and rules in effect when the application was submitted.

The determination may not be valid if changes occur to the statutes and rules. In addition, any substantial modifications in your plans should be submitted to the Department for review, as changes may result. in a permit being required. The determination that your activity qualifies for an exemption does not relieve you from the need to comply with all applicable water quality standards during the construction and operation of the facility.

A copy of your application also has been sent to the Division of Environmental Resource Permitting and the U.S. Army Corps of Engineers (USACOE) for review. Consent of use of state-owned lands may be required from the Division of Environmental Resource Permitting before construction. In addition, the USACOE may requite a separate permit. Failure to obtain either of these authorizations prior to construction could subject you to enforcement action by those agencies.

A person whose substantial interests are affected by the Department's proposed decision may petition for an administrative proceeding (hearing) under Section 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the permit applicant and the parties listed below must be filed within fourteen days of receipt of this exemption. Petitions filed by other persons must be filed within fourteen days of publication of the public notice or within fourteen days of their receipt of this exemption, whichever first occurs. (The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing). Failure to file a petition within this time period shall constitute a waiver of any right that such a person may have to request an administrative determination (hearing) under Section 230.57 of the Florida Statutes.

The Petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department file number, and the county in which the proposed project would be located;

(b) A statement of how and when each petitioner received notice of the Department's action or proposed action;

(c) A statement of how each petitioner's substantial interest are affected by the Department action or proposed action;

(d) A statement of the material facts disputed by the petitioner, if any;

(e) A statement of facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within fourteen days of receipt of this notice in the Office of General Counsel at the Department's address set forth above. Failure to petition within the allowed time frame constitutes a waiver of any right that such a person has to request a hearing under Section 120.57 of the Florida Statutes and to participate as a party to this proceeding. Any later intervention will only be at the approval of the presiding officer upon motion filed under Rule 28-5.207, F.A.C.

This Notice constitutes final agency action unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 62-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this Notice will not be effective until further Order of the Department.

Any party to this letter has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by filing a copy with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Exemption is filed with the Clerk of the Department.

CONTROLLED COPY

Please see the copy of the exemption attached to this letter, and note that all specific conditions in the rule must be complied- with to qualify for this exemption.

This letter does not relieve you from the responsibility of obtaining other permits (federal, state or local) which may be required for the project. If you have any questions, please contact Terry Zable at 407/894-7555. When referring to this project, please use the file number listed above.

Sincerely,

Barbara Bess

Barbara Bess
Program Manager
Submerged Lands and Environmental
Resource Permitting

BB:tz:jm

Enclosure

cc: Corps of Engineers
FDEP, Proprietary
FDEP, Melbourne
Brevard County Natural Resources

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to S120.52(9), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Jan Murray 08-23-95
Clerk Date

• lloumd par parcel or lot. For the purposes of this rule, multi-family living complexes • nd other type8 of complexes or facilities • meocimted with the proposed private *dock* mhall be treated as onm parcel of propmrty regardless of the legal division of ownership or control of thr associated property. Construction of a privmtm dock undu this • xmmption does not require the Department to issue a • uhemqumnt permit to construct a channel to provide nmvig• tionml access to th. dock. Activities • ssocimted with a private dock shall include the construction of • ♦□◆♍♦◆□□♑ • ttmchmd to the pier which are onlsuitable mbl. for the mooring or storage of boats (i.e., boatlif.).

(e) The performance of maintenance dredging of existing manmade canals, channels, • n& intake end discharge structures, where thm spoil material is to be removed and deposited on a self-contained upland • poil site which will prevent thm • ♍o pe of thm • poh material and rmturn water from the spoil 8ite into murfmcm waters of the state, provided no more dredging is performed than is necessary to restore the cmnal, channels, • nd intake and discharge structure. to original design specifications, and provided that control devices are used at the dredge • itm to prmvent turbidit and toxic or deleterious substances *from* dischargIng into • djmomnt waters during maintenance dredging. This • xmsption shall • pply t0 all can.18 *conetructmd* before A pil 3, 1970, and to those canal8 conmtructmd on □□ • t: • r April 7 1970, purmuant to all necessary mtatr permits. This exemption shall not apply to *thm* removal of • natural or manmade barrier separating a canal or canal system from mdjaamnt waters of the *mtata.* Where *no* previous permit hmm bmmn issued by thm Board of Trustees of thr Internal Improvement Trust Fund or th. United States Army Corps of Engineers for construction or maintenance dredging of th. exi• ting manmade canal or intakm or discharge structure, such maintenance dredging shall be limited to a depth of no more thmn 5 feet below mean low vatmr.

(f) The installation and maintenance to design specifications of bomt ramps *on* • rtificiml bodies of water where navigational access to the proposed ramp • ximt8, or the inst.1iation and maintenance to design • pecificationm of boat ramps open to thm public in any waters of the state where navigational accmmm to *the* proposed ramp exists *and* where construction of the propommd ramp will bm le.. than 30 feet wide and will involve the removal of less than 25 cubic yards *of* material from the waters of thm • tmtm. All material removed shall be placed upon a self-contained upland site so as *to prrvrnt* the • mompm of the spoil material and return

water from the spoil site into thm waters of thm state. For the purpose of this exemption artificial bodies *of voter* • hmll include, but not bm limited to, reridmntial *canal* • yat..., canals permitted by a water management district created *undu* Section 373.069, F.S. • nd artificially created *portion'* of thm Florida Intracoastal Waterway.

(g) Construction of seawalls or riprap, including only that backfilling needed to level the land behind seawalls *or* riprap, in artificially created waterways where such construction will not violate existing water quality • tmndarde, impede nmvig• tion or • dvmrmLly • ffmct *flood* aontrol. An artificial1 y c•ated waterway shall be defined as a body of water that has been totally *dredged* or • xcmvatmd and which dome not overlap natural surface waters of the mtatm. For the purpose of this • xmmption, artificially created waterways shall also inalud. existing residential canal • ystmas. This exemption doe8 not apply to the construction of vmrticel seawalls in • stuaries or lagoons unless the proposed construction is within • n existing man-made cmnal where the shoreline i. currently occupied in vholm or *in* part by vertical • omvmllm.

(h) Construction of privat. docks in artifically created waterways (as defined *in Section* 62-312.050(1)(g) where *construction* will not violate *water* quality standards, impede navigation, or • dver'ely affect flood control.

(i) The rmplacmmmnt or repair of privmtm or comercial docks provided that *no* fill material other than the dock pilings is to be used, and provided that th. replacement or the repaired dock is in thm same location *and* of thm s amm configuration and dimensions am thm *dock* being replaced or repaired. A dock must be functional and abl. to provide access to a boat or boats moored at the *dock before* thia exemption may be used.

(j) The restoration of • seawall or riprap at its previous location or upland of or within one foot waterward of its previous location. No filling *can* be performed except in the • ctuml remtoration of the seawall or riprap. No construction • hall be undertaken vithout necessary title or leasehold interest, • 8Rmoially where private and public ownership boundaries havm changed mm a rmmult of natural occurrences much mm accretion, reliction end natural erosion. Restoration and repair shall be performed using the critmri. mat forth in Section 403.918(5), P.S. This • xemption 8hmll bm limited to functioning seawalls or riprap where there is no • xchangm of waters through or around tha seawall or riprap of sufficient quantity, duration or frequency so that the restoration of the meavall or riprap could cauam or contribute to a violation of • tmto water

BOARD OF TRUSTEES

BOT NO. 050024374

This Instrument Prepared By:
Pattie J. Scott
Recurring Revenue Section
Bureau of Public Land Administration
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LANDS LEASE RENEWAL

BOT No. 050024374
PA No. _____

THIS LEASE is hereby issued by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Lessor.

WITNESSETH: That for and in consideration of payment of the annual lease fees hereinafter provided and the faithful and timely performance of and compliance with all terms and conditions stated herein, the Lessor does hereby lease to Florida Power & Light Company, a Florida corporation, hereinafter referred to as the Lessee, the sovereignty lands described as follows:

A parcel of sovereignty submerged land in Section 19, Township 23 South, Range 36 East, in the Indian River, Brevard County, containing 64,100 square feet, more or less, as is more particularly described and shown on Attachment A, dated November 30, 1998.

TO HAVE THE USE OF the hereinabove described premises from January 1, 2008, the effective date of this lease renewal, through January 1, 2013, the expiration date of this lease renewal. The terms and conditions on and for which this lease renewal is granted are as follows:

1. USE OF PROPERTY: The Lessee is hereby authorized to operate an existing 1-slip docking/unloading facility exclusively to be used for mooring of barges and tugs vessels in conjunction with an upland fuel oil tank farm/power plant, without fueling facilities, with a sewage pumpout facility if it meets the regulatory requirements of the State of Florida Department of Environmental Protection or local authority, whichever entity applies the more stringent criteria, and without liveaboards as defined in paragraph 28, as shown and conditioned in Attachment A. All of the foregoing subject to the remaining conditions of this Lease.

2. LEASE FEES: The Lessee hereby agrees to pay to the Lessor an annual lease fee of $9,055.00 plus sales tax pursuant to Section 212.031, Florida Statutes, if applicable, within 30 days of the date of receipt of the invoice. The annual fee for the remaining years of the lease shall be adjusted pursuant to provisions of Section 18-21.011, Florida Administrative Code. The Division of State Lands will notify the Lessee in writing of the amount and the due date of the annual payment. The lease fee shall be remitted annually to the Division of State Lands as the agent for the Lessor, beginning with the effective and due date of this lease renewal, and each year thereafter until the term of this lease renewal terminates or expires.

3. WET SLIP RENTAL CERTIFICATION/SUPPLEMENTAL PAYMENT. (A) The Lessee shall provide upon request by the Lessor any and all information in a certified form needed to calculate the lease fee specified in paragraph two (2) above, including the income, as defined in subsection 18-21.003(26), Florida Administrative Code, derived directly or indirectly from the use of sovereignty submerged lands on an annual basis. When six percent (6%) of said annual income exceeds the base fee or minimum annual fee established pursuant to Rule 18-21.011, Florida Administrative Code, for any lease year during the term of this lease, the Lessor shall send the Lessee a supplemental invoice for the difference in the amounts for that lease year. (B) The instrument or agreement used by the Lessee to transfer or assign the right to use a wet slip at the leased docking facility to a third party shall include a provision that clearly notifies the wet slip renter/user/holder that if the wet slip renter/user/holder subsequently transfers his right to use said wet slip to another party, the instrument or agreement used to transfer said wet slip shall contain a provision that requires six percent (6%) of the annual gross income derived from said instrument or agreement for the use of said wet slip be paid to the Lessee who, upon receipt, shall report and transmit said amount to the Lessor. The instrument or agreement used by the Lessee to transfer a wet slip shall also include a provision that clearly notifies the wet slip renter/user/holder that no interest in said wet slip may be further transferred unless a substantially similar provision to the one contained in the preceding sentence is placed in each succeeding instrument or agreement used to transfer said wet slip to each new wet slip renter/user/holder.

4. LATE FEE ASSESSMENTS: The Lessee shall pay a late charge equal to interest at the rate of twelve percent (12%) per annum from the due date until paid on any lease fees due hereunder which are not paid within 30 days of their due dates.

5. EXAMINATION OF LESSEE'S RECORDS: For purposes of this lease renewal, the Lessor is hereby specifically authorized and empowered to examine, for the term of this lease renewal including any extensions thereto plus three (3) additional years, at all reasonable hours, the books, records, contracts, and other documents confirming and pertaining to the computation of annual lease payments as specified in paragraph two (2) above.

6. MAINTENANCE OF LESSEE'S RECORDS: The Lessee shall maintain separate accounting records for: (i)gross revenue derived directly from the use of the leased premises, (ii) the gross revenue derived indirectly from the use of the leased premises, and (iii) all other gross revenue derived from the Lessee's operations on the riparian upland property. The Lessee shall secure, maintain and keep all records for the entire term of this lease renewal plus three (3) additional years. This period shall be extended for an additional two (2) years upon request for examination of all records and accounts for lease verification purposes by the Lessor.

7. AGREEMENT TO EXTENT OF USE: This lease is given to the Lessee to use or occupy the leased premises only for those activities specified herein. The Lessee shall not change or add to the approved use of the leased premises as defined herein (e.g., from commercial to multi-family residential, from temporary mooring to rental of wetslips, from rental of wetslips to contractual agreement with third party for docking of cruise ships, from rental of recreational pleasure craft to rental or temporary mooring of charter/tour boats, from loading/offloading commercial to rental of wetslips, etc.), shall not change activities in any manner that may have an environmental impact that was not considered in the original authorization or regulatory permit, or shall not change the type of use of the riparian uplands without first obtaining a regulatory permit/modified permit, if applicable, and the Lessor's written authorization in the form of a modified lease, the payment of additional fees, if applicable, and, if applicable, the removal of any structures which may no longer qualify for authorization under the modified lease.

8. PROPERTY RIGHTS: The Lessee shall make no claim of title or interest to said lands hereinbefore described by reason of the occupancy or use thereof, and all title and interest to said land hereinbefore described is vested in the Lessor. The Lessee is prohibited from including, or making any claim that purports to include, said lands described or the Lessee's leasehold interest in said lands into any form of private ownership, including but not limited to any form of condominium or cooperative ownership. The Lessee is further prohibited from making any claim, including any advertisement, that said land, or the use thereof, may be purchased, sold, or re-sold.

9. INTEREST IN RIPARIAN UPLAND PROPERTY: During the term of this lease renewal, the Lessee shall maintain a leasehold or fee simple title interest in the riparian upland property and if such interest is terminated, the lease may be terminated at the option of the Lessor. Prior to sale and/or termination of the Lessee's leasehold or fee simple title interest in the upland property, Lessee shall inform any potential buyer or transferee of the Lessee's upland property interest of the existence of this lease renewal and all its terms and conditions and shall complete and execute any documents required by the Lessor to effect an assignment of this lease renewal, if consented to by the Lessor. Failure to do so will not relieve the Lessee from responsibility for full compliance with the terms and conditions of this lease renewal which include, but are not limited to, payment of all fees and/or penalty assessments incurred prior to such act.

10. ASSIGNMENT OF LEASE RENEWAL: This lease renewal shall not be assigned or otherwise transferred without prior written consent of the Lessor or its duly authorized agent. Such assignment or other transfer shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. Any assignment or other transfer without prior written consent of the Lessor shall be null and void and without legal effect.

11. INDEMNIFICATION/INVESTIGATION OF ALL CLAIMS: The Lessee shall investigate all claims of every nature arising out of this lease at its expense, and shall indemnify, defend and save and hold harmless the Lessor and the State of Florida from all claims, actions, lawsuits and demands arising out of this lease renewal.

12. VENUE: Lessee waives venue as to any litigation arising from matters relating to this lease renewal and any such litigation between Lessor and Lessee shall be initiated and maintained only in Leon County, Florida.

13. NOTICES/COMPLIANCE/TERMINATION: The Lessee binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Lessee, its successors and assigns. In the event the Lessee fails or refuses to comply with the provisions and conditions herein set forth, or in the event the Lessee violates any of the provisions and conditions herein, or fails or refuses to comply with the provisions and conditions herein set forth within 20 days of receipt of the Lessor's notice to correct, this lease renewal may be terminated by the Lessor upon thirty (30) days written notice to Lessee. If canceled, all of the above-described parcel of land shall revert to the Lessor. All costs and attorneys' fees incurred by the Lessor to enforce the provisions of this lease shall be paid by the Lessee. All notices required to be given to the Lessee by this lease renewal or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

Florida Power & Light Company
Cape Canaveral Plant
Scott Stone, Plant General Manager
6000 North US Highway 1
Cocoa, Florida 32927-6002

The Lessee shall notify the Lessor by certified mail of any change to this address at least ten (10) days before the change is effective.

14. TAXES AND ASSESSMENTS: The Lessee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this lease renewal.

15. NUISANCES OR ILLEGAL OPERATIONS: The Lessee shall not permit the leased premises or any part thereof to be used or occupied for any purpose or business other than herein specified unless such proposed use and occupancy are consented to by the Lessor and the lease is modified accordingly, nor shall Lessee knowingly permit or suffer any nuisances or illegal operations of any kind on the leased premises.

16. MAINTENANCE OF FACILITY /RIGHT TO INSPECT: The Lessee shall maintain the leased premises in good condition, keeping the structures and equipment located thereon in a good state of repair in the interests of public health, safety and welfare. The leased premises shall be subject to inspection by the Lessor or its designated agent at any reasonable time.

17. NON-DISCRIMINATION: The Lessee shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicap, or marital status with respect to any activity occurring within the area subject to this lease renewal or upon lands adjacent to and used as an adjunct of the leased area. During the lease term, the Lessee shall post and maintain the placard furnished to the Lessee by the Lessor in a prominent and visible location on the leased premises or adjacent business office of the Lessee. It shall be the responsibility of the Lessee to post the placard in a manner which will provide protection from the elements, and, in the event that said placard becomes illegible at any time during the term of this lease renewal (including any extensions thereof), to notify the Lessor in writing, so that a replacement may be provided.

18. ENFORCEMENT OF PROVISIONS: No failure, or successive failures, on the part of the Lessor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Lessor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

19. PERMISSION GRANTED: Upon expiration or cancellation of this lease renewal all permission granted hereunder shall cease and terminate.

20. RENEWAL PROVISIONS: Renewal of this lease shall be at the sole option of the Lessor. Such renewal shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. In the event that Lessee is in full compliance with the terms of this lease renewal, the Lessee may apply in writing for a renewal. Such application for renewal must be received by Lessor no sooner than 120 days and no later than 30 days prior to the expiration date of the original or current term hereof. The term of any renewal granted by the Lessor shall commence on the last day of the previous lease term. If the Lessee fails to timely apply for a renewal, or in the event the Lessor does not grant a renewal, the Lessee shall vacate the leased premises and remove all structures and equipment occupying and erected thereon at its expense. The obligation to remove all structures authorized herein upon termination of this lease renewal shall constitute an affirmative covenant upon the riparian upland property more specifically described in Attachment B, which shall run with the title to said riparian upland property, and shall be binding upon Lessee and Lessee's successors in title or successors in interest.

21. REMOVAL OF STRUCTURES/ADMINISTRATIVE FINES: If the Lessee does not remove said structures and equipment occupying and erected upon the leased premises after expiration or cancellation of this lease renewal, such structures and equipment will be deemed forfeited to the Lessor, and the Lessor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Lessee at the address specified in Paragraph 13 or at such address on record as provided to the Lessor by the Lessee. However, such remedy shall be in addition to all other remedies available to the Lessor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

22. REMOVAL COSTS/LIEN ON RIPARIAN UPLAND PROPERTY: Any costs incurred by the Lessor in the removal of any structures and equipment constructed or maintained on state lands shall be paid by the Lessee and any unpaid costs and expenses shall constitute a lien upon the interest of the Lessee in the riparian upland property enforceable in summary proceedings as provided by law.

23. RECORDATION OF LEASE: The Lessee, at its own expense, shall record this fully executed lease renewal in its entirety in the public records of the county within which the lease site is located within fourteen (14) days after receipt, and shall provide to the Lessor within ten (10) days following the recordation a copy of the recorded lease in its entirety which contains the O.R. book and pages at which the lease is recorded.

24. RIPARIAN RIGHTS/FINAL ADJUDICATION: In the event that any part of any structure authorized hereunder is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Lessee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply with this paragraph shall constitute a material breach of this lease renewal agreement and shall be grounds for immediate termination of this lease renewal agreement at the option of the Lessor.

25. AMENDMENTS/MODIFICATIONS: This lease renewal is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this lease renewal must be in writing, must be accepted, acknowledged and executed by the Lessee and Lessor, and must comply with the rules and statutes in existence at the time of the execution of the modification or amendment. Notwithstanding the provisions of this paragraph, if mooring is authorized by this lease, the Lessee may install boatlifts within the leased premises without formal modification of the lease provided that (a) the Lessee obtains any state or local regulatory permit that may be required; and (b) the location or size of the lift does not increase the mooring capacity of the facility.

26. ADVERTISEMENT/SIGNS/NON-WATER DEPENDENT ACTIVITIES/ADDITIONAL ACTIVITIES/MINOR STRUCTURAL REPAIRS: No permanent or temporary signs directed to the boating public advertising the sale of alcoholic beverages shall be erected or placed within the leased premises. No restaurant or dining activities are to occur within the leased premises. The Lessee shall ensure that no permanent, temporary or floating structures, fences, docks, pilings or any structures whose use is not water-dependent shall be erected or conducted over sovereignty submerged lands without prior written consent from the Lessor. No additional structures and/or activities including dredging, relocation/realignment or major repairs or renovations to authorized structures, shall be erected or conducted on or over sovereignty, submerged lands without prior written consent from the Lessor. Unless specifically authorized in writing by the Lessor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Lessee to administrative fines under Chapter 18-14, Florida Administrative Code. This condition does not apply to minor structural repairs required to maintain the authorized structures in a good state of repair in the interests of public health, safety or welfare; provided, however, that such activities shall not exceed the activities authorized by this agreement.

27. COMPLIANCE WITH FLORIDA LAWS: On or in conjunction with the use of the leased premises, the Lessee shall at all times comply with all Florida Statutes and all administrative rules promulgated thereunder. Any unlawful activity which occurs on the leased premises or in conjunction with the use of the leased premises shall be grounds for the termination of this lease by the Lessor.

28. LIVEABOARDS: The term "liveaboard" is defined as a vessel docked at the facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within a thirty (30) day period. If liveaboards are authorized by paragraph one (1) of this lease, in no event shall such "liveaboard" status exceed six (6) months within any twelve (12) month period, nor shall any such vessel constitute a legal or primary residence.

29. GAMBLING VESSELS: During the term of this lease and any renewals, extensions, modifications or assignments thereof, Lessee shall prohibit the operation of or entry onto the leased premises of gambling cruise ships, or vessels that are used principally for the purpose of gambling, when these vessels are engaged in "cruises to nowhere," where the ships leave and return to the state of Florida without an intervening stop within another state or foreign country or waters within the jurisdiction of another state or foreign country, and any watercraft used to carry passengers to and from such gambling cruise ships.

30. SPECIAL LEASE CONDITIONS: Should a field survey acceptable to Lessor be required or obtained after the effective date of this lease, the annual lease fees due hereunder shall be adjusted to reflect the increase or decrease in the total preempted area shown by the survey. Any such adjustment shall be effective from the date of the acceptable survey and shall be prospective only. No reimbursement or credit shall be given to Lessee by Lessor for overages, and no charge shall be imposed by Lessor for shortages unless the error resulted from inaccurate information supplied by the Lessee.

WITNESSES:

Original Signature

Mary C. Thurmond

Print/Type Name of Witness

Original Signature

Kathy C Griffin

Print/Type Name of Witness

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

(SEAL)

BY:

Jeffery M. Gentry, Operations and Management Consultant Manager, Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida

"LESSOR"

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 18th day of March, 2008 by Jeffery M. Gentry Operations and Management Consultant Manager, Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. He is personally known to me.

APPROVED AS TO FORM AND LEGALITY:

DEP Attorney

Kathy C Griffin

Notary Public, State of Florida

Printed, Typed or Stamped Name

Notary Public State of Florida
Kathy C Griffin
My Commission DD727692
Expires 10/30/2011

My Commission Expires:

Commission/Serial No.

WITNESSES:

Original Signature

Tammy Saufmann

Typed/Printed Name of Witness

Original Signature

SAMANTHA J. WOODRUFF

Typed/Printed Name of Witness

Florida Power & Light Company, a Florida corporation

(SEAL)

BY:

Original Signature of Executing Authority

Stephen M. Reuwer

Typed/Printed Name of Executing Authority

Sr. Director Corporate Real Estate

Title of Executing Authority

"LESSEE"

STATE OF FL

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 26th day of December, 2007, by Stephen M. Reuwer as Sr. Director Corporate Real Estate of Florida Power & Light Company, a Florida corporation, for and on behalf of the corporation. He is personally known to me or who has produced _____, as identification.

My Commission Expires:

Notary Public State of Florida
Michelle M Kahmann
My Commission DD633640
Expires 08/18/2011

Commission/Serial No.

Michelle M. Kahmann

Notary Signature

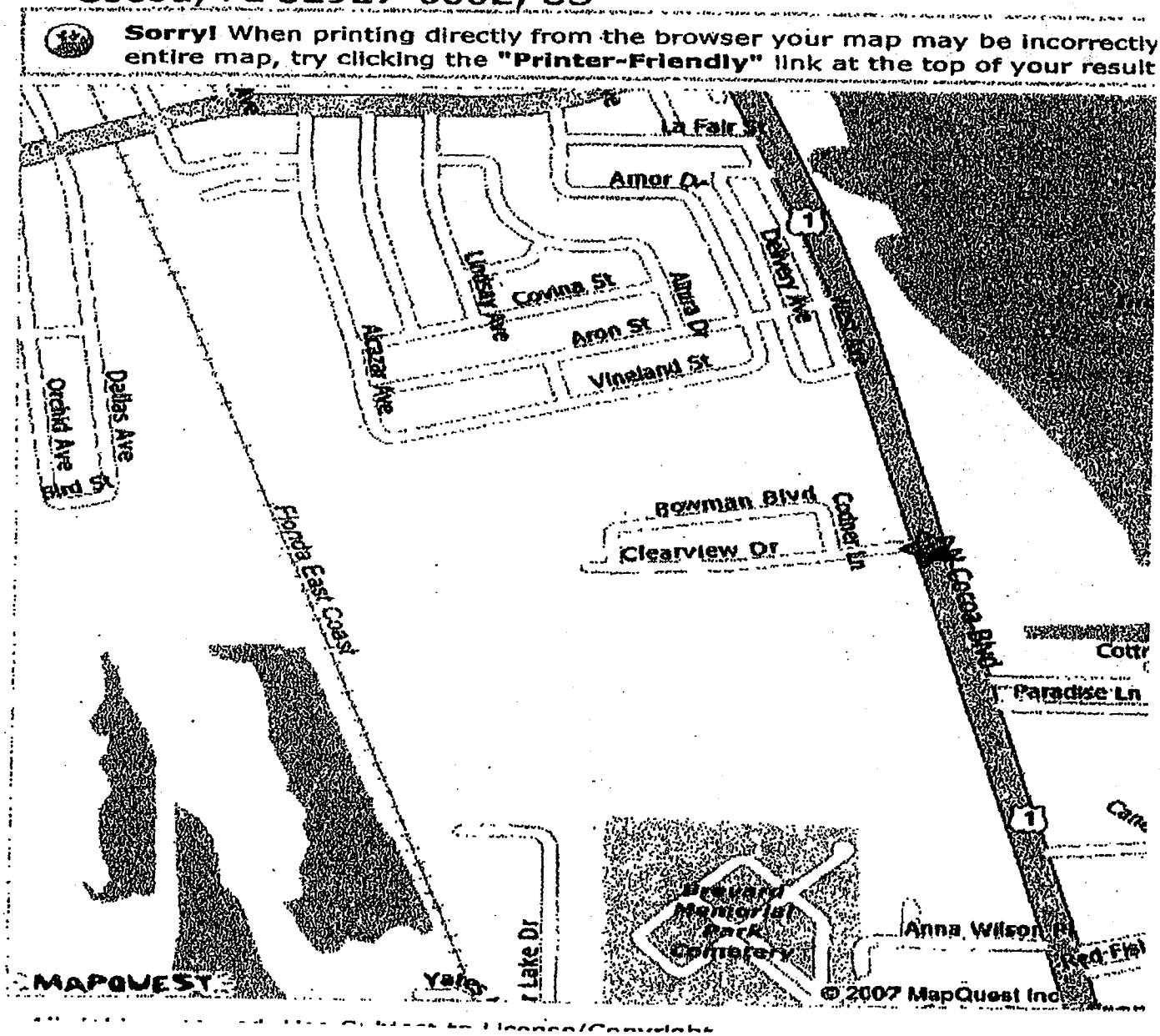
Notary Public, State of FL

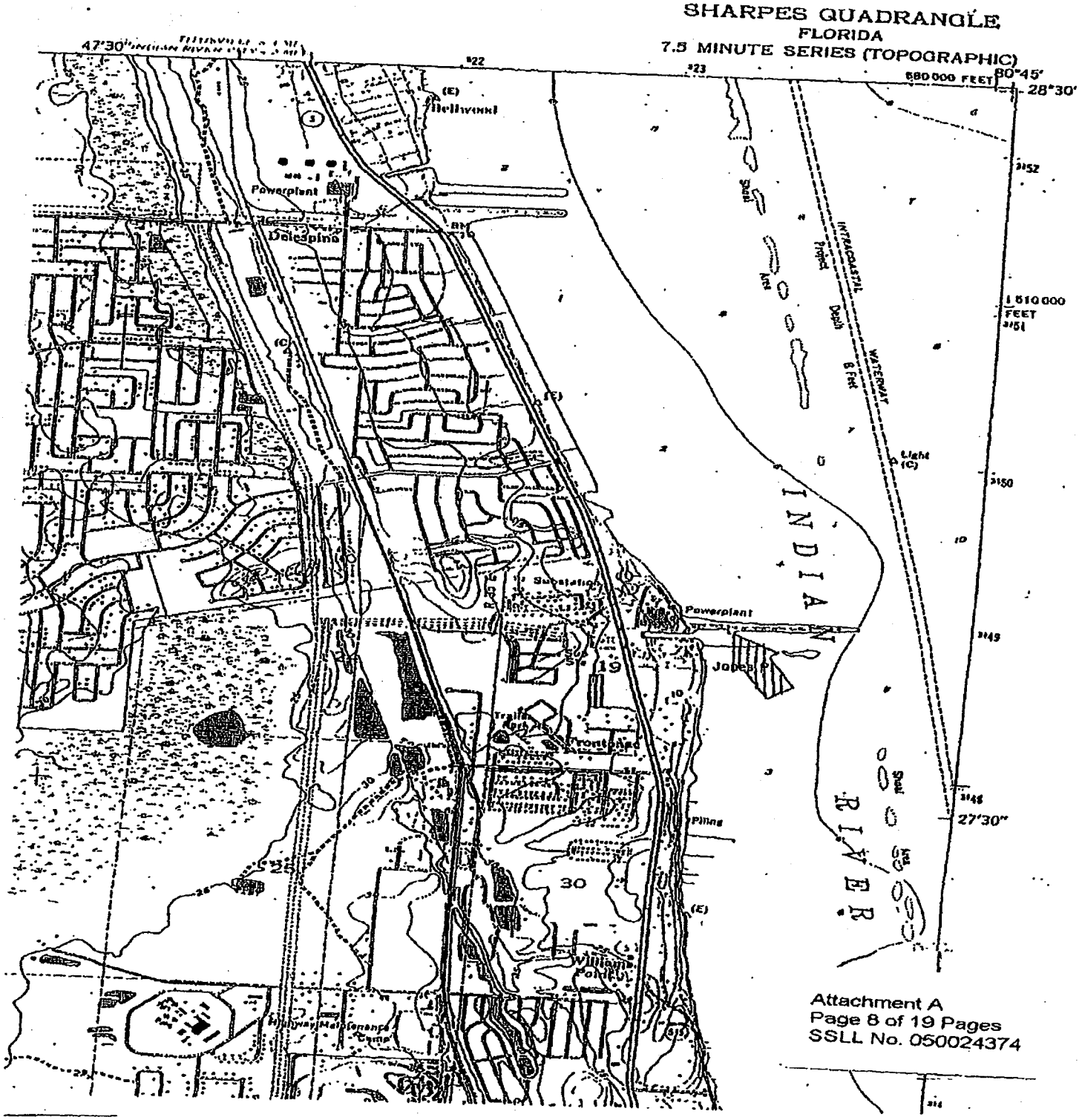
Michelle M. Kahmann

Printed, Typed or Stamped Name

6000 N Cocoa Blvd

Cocoa, FL 32927-6002, US





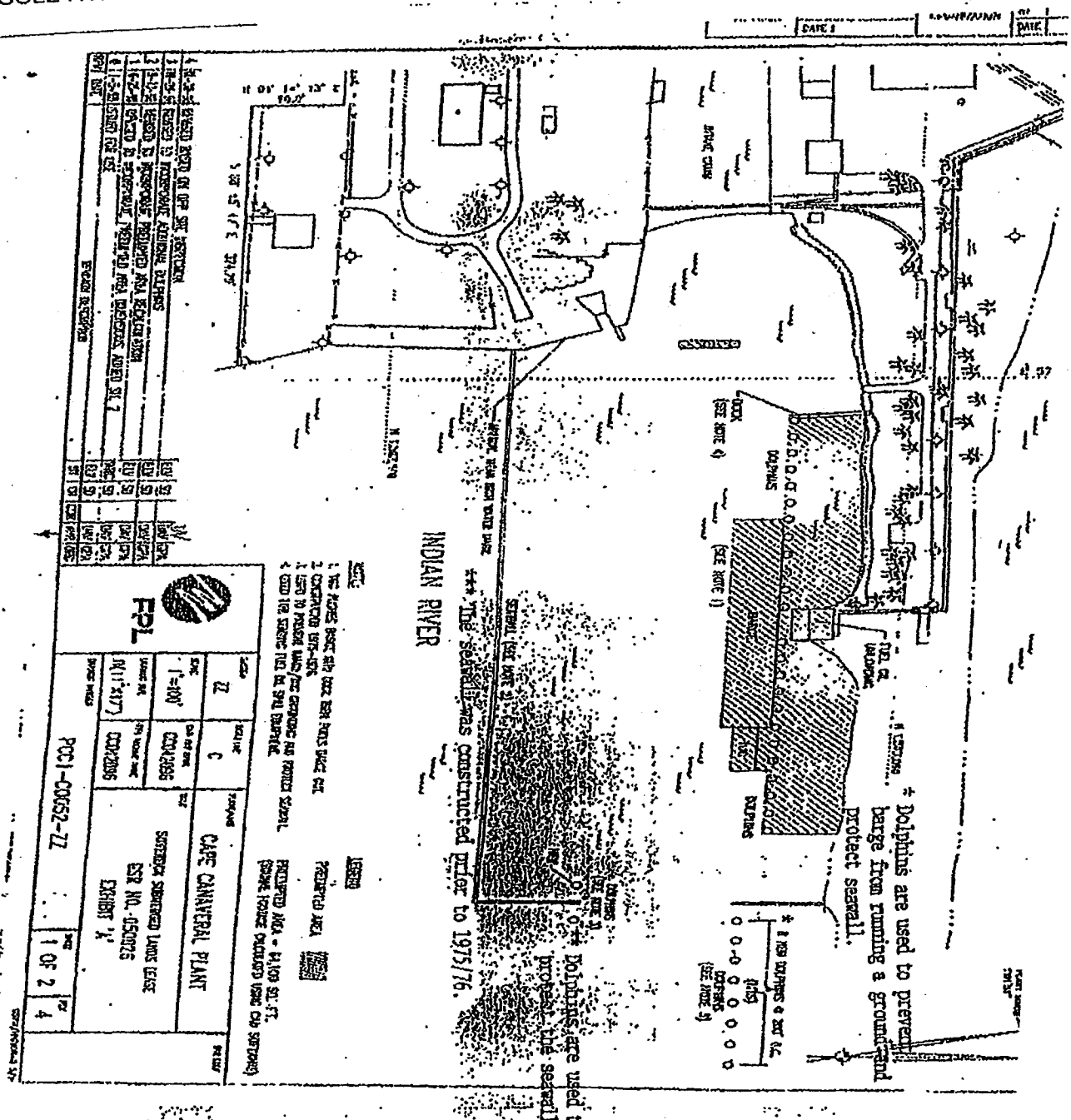
Attachment A
Page 8 of 19 Pages
SSLL No. 050024374

FLORIDA POWER & LIGHT
CAPE CANAVERAL PLANT
BREVARD COUNTY FLORIDA
GSR NO. 050026

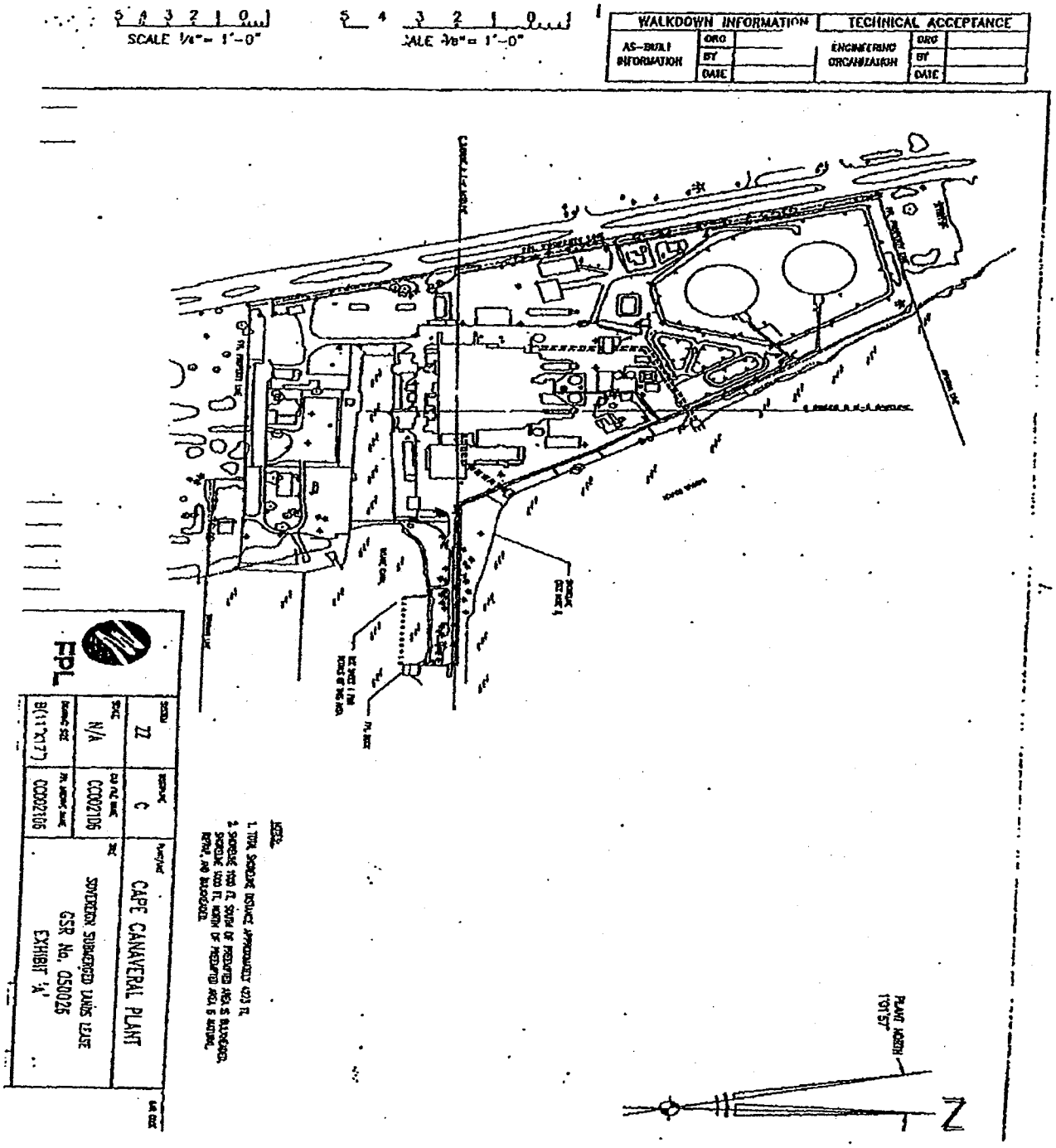
A parcel of submerged land located in Section 19, Township 23 South, Range 36 East, Brevard County, Indian River (waterbody) containing 64,100 square feet, as described on the attached sketch labeled as Exhibit A and dated November 30, 1998, located immediately waterward of that upland propety with the legal description in the attached summary legal description labeled as Exhibit B.

[LEGAL DESCRIPTION(S) AS DESCRIBED IN THOSE CERTAIN WARRANTY DEED(S), BETWEEN RAPPE DEVELOPMENT COMPANY, ROBERT W. BRUCE AND MILDRED C. BRUCE, HUSBAND AND WIFE, P.D. SHUPING, UNMARRIED, FREDERICK O. RIPON AND MILDRED M. RIPON, HUSBAND AND WIFE, ALBERT RAMOS AND KATHERINE RAMOS, HUSBAND AND WIFE, CHARLES HERMAN AND ERMA EILEEN HERMAN, HIS WIFE, L.A. PERRIN, AS TRUSTEE, AND INDIVIDUALLY, JOINED BY HIS WIFE, LENELLE PERRIN, EDWARD LAWTON AND MARIE LAWTON, HUSBAND AND WIFE, WORTH A. OVERACKER AND MAUD I. OVERACKER, HUSBAND AND WIFE, JAMES H. SWEENY, JR. AND CHRISTINE B. SWEENY, HIS WIFE, PALMER B. CONNER AND HELEN H. CONNER, HUSBAND AND WIFE, LYNN B. WHITEMAN AND JULIA C. WHITEMAN, HUSBAND AND WIFE, FRANK A. ROBINSON AND HIS WIFE, GLADYS M. ROBINSON, GRANTORS AND FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, GRANTEE, AS RECORDED IN THE ATTACHED SUMMARY OF LEGAL DESCRIPTION(S), OFFICIAL RECORDS OF BREVARD COUNTY, FLORIDA, OTHERWISE KNOWN AS ATTACHMENT B TO THIS LEASE INSTRUMENT.]

Attachment A
Page 10 of 19 Pages
SSLL No. 050024374



11-30-05 SSLL Application Package



Attachment A
Page 11 of 19 Pages
SSLL No. 050024374

EXHIBIT B

CAPE CANAVERAL PLANT
SUMMARY LEGAL DESCRIPTION

PARCEL NO. 1:
(Title vested by virtue of Deed recorded in ORB 526/2).

Government Lot 3, Section 19, Township 23 South, Range 36 East, together with an easement over and across the North fifty (50) feet of the South two hundred eighty (280) feet of Rosevear Terrace Subdivision lying West of U. S. Highway #1, in Brevard County, Florida.

PARCEL NO. 2:
(Title vested by virtue of Deed recorded in ORB 870/266).

Begin at the concrete post at the West quarter section corner of Section 19, Township 23 South, Range 36 East, Brevard County, Florida, said post being the Northwest corner of U. S. Lot 3, said Section; thence run South 89 degrees, 52 minutes, 30 seconds East on the quarter section line or North side of U. S. Lot 3 a distance of 1320.5 feet to a concrete monument which replaced old coquina post at the Northeast corner of said U. S. Lot 3 for the point of beginning of land herein described; thence for a first course, run North 36 degrees, 30 minutes East along the northwesterly line of lands formerly owned by P. D. Shuping, a distance of 307.1 feet to a concrete monument; thence for a second curse, run North 25 degrees, 11 minutes, 25 seconds West a distance of 16 feet to a concrete post; thence for a third course, run South 80 degrees, 13 minutes, 30 seconds West parallel to the North line of Norman Carhart deed as recorded in Deed Book 194, page 124, Public Records of said County a distance of 274.6 feet to an iron pipe; thence for a fourth course, run South and parallel to the West line of Section 19, a distance of 215 feet to an iron rod on the North line of U. S. Lot 3 or the quarter section line; thence for a fifth course, run South 89 degrees, 52 minutes, 50 seconds East along the North line of said U. S. Lot 3 a distance of 95.57 feet to a concrete monument at the Northeast corner of said U. S. Lot 3, which is the point of beginning; together with right of way 16 feet wide described as follows: From the aforesaid point of beginning, run North 36 degrees, 30 minutes East along the northwesterly line of land formerly owned by P. D. Shuping a distance of 307.1 feet to a concrete monument for the point of beginning of said right of way; thence for a first course, run North 65 degrees, 37 minutes, 13 seconds East 70.13 feet to a concrete monument on the West right of way line of new U. S. Highway No. 1; thence for a second course, run North 13 degrees, 52 minutes, 00 seconds West along said right of way line 16.32 feet to a point; thence for a third course, run South 65 degrees, 37 minutes, 13 seconds West 72.90 feet to a concrete monument; thence for a fourth course, run Southeasterly 16 feet more or less to the point of beginning.

PARCEL NO. 3:
(Title vested by virtue of Deed recorded in ORB 524/618).

All of Lot One (1) of the resubdivision of Rosevear Terrace Subdivision lying west of the west right of way line of new U. S. No. 1 Highway, except the south two hundred thirty (230) feet, said resubdivision being recorded in Plat Book 8, page 40, of the Public Records of Brevard County, Florida, subject to a fifty (50) foot easement running east and West on the south side of said property.

PARCEL NO. 4:
(Title vested by virtue of Deed recorded in ORB 526/620).

The North One hundred eighty (180) feet of the South two

Continued on next page

hundred thirty (230) feet of that part of Roseveax Terrace Subdivision lying west of the west right of way line of New U. S. No. 1 Highway, said plat of Roseveax Terrace Subdivision being recorded in Plat Book 8, page 40, Public Records of Brevard County, Florida.

PARCEL NO. 5:
(Title vested by virtue of Deed recorded in ORB 526/955).

A tract of land located in Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, described as follows:

From an iron pipe on the range line, which is 713.10 feet north of the quarter section corner on the west side of said Section nineteen (19), which is a point of reference, run north seventy-five (75) degrees, nine (9) minutes east and parallel to the south line of the Delespine Grant, a distance of 1548.24 feet to an iron pipe on the east line of the right of way of U. S. Highway No. 1 also known as Dixie Highway, as presently located, which is the point of beginning of the land herein described, and from the said point of beginning, for a first course, run south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east on the east right of way line of U. S. Highway No. 1 (which is also known as State Road No. 5), a distance of 295 feet to the northwest corner of the land conveyed to Carl W. and Alice C. Hopps by deed recorded in Book 264, page 475, Official Records of Brevard County, Florida; thence for a second course, run north forty-seven (47) degrees, sixteen (16) minutes, forty-two (42) seconds east on the north line of the land conveyed to Carl W. and Alice C. Hopps aforesaid, a distance of 628 feet, more or less, to and into the waters of the Indian River; thence return to the point of beginning, and for a third course, run north seventy-five (75) degrees, nine (9) minutes east, a distance of 449.76 feet to an iron pipe on the west bank of the Indian River, and continue the said course to and into the waters of the Indian River; and thence for a fourth course, run south thirty-six (36) degrees, fifty-eight (58) minutes east in the waters edge of the Indian River, a distance of 46.18 feet, more or less, to the eastern terminus of the second course, which is the northeast corner of the land conveyed to Carl W. and Alice C. Hopps as aforesaid.

Together with the riparian and littoral rights and the submerged lands in Indian River appertaining to said property.

PARCEL NO. 6:
(Title vested by virtue of Judgment recorded in CCMB 47/102).

Beginning at a point on the west line of fractional Section 19, Township 23 South, Range 36 East, which point is 713.10 feet north of the northwest corner of said northwest quarter (NW 1/4) of the southwest quarter (SW 1/4) of said fractional Section 19; thence run north seventy-five (75) degrees, nine (9) minutes east parallel with the south line of the Delespine Grant, 1548.24 feet to a point on the east right of way of U. S. No. 1 (Dixie Highway) as presently located; thence south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east along said east right of way line 295 feet to the point of beginning; from said point of beginning, for a first course, continue south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east along said east right of way line, two hundred (200) feet; thence for a second course, run north forty-nine (49) degrees, twenty-four (24) minutes, forty

Continued on next page

(40) seconds east, six hundred (600) feet, more or less, to and into the waters of the Indian River; thence return to the point of beginning; thence for a third course, run north forty-seven (47) degrees, sixteen (16) minutes, forty-two (42) seconds east, five hundred twenty-eight (528) feet, more or less, to and into the waters of the Indian River; thence for a fourth course, run southeasterly along the waters of the Indian River, two hundred (200) feet, more or less, to the above described termination of said second course. All being and lying in fractional Section Nineteen (19), Township Twenty-three (23) South, Range Thirty-six (36) East, in Brevard County, Florida. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PARCEL NO. 7:
(Title vested by virtue of Deed recorded in ORB 524/946).

Commencing at a concrete monument which is the southwest corner of Government Lot two (2), Section Nineteen (19), Township Twenty-three (23) South, Range Thirty-six (36) East, Brevard County, Florida; thence run north along the west section line of said Section Nineteen (19), a distance of three hundred forty-nine and sixty-three hundredths (349.63) feet to an iron pipe; thence north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east, a distance of one thousand five hundred seventy-nine and fifty hundredths (1579.50) feet to a concrete monument on the west right of way line of U. S. Highway No. 1; thence continuing north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east a distance of sixty-six and twenty-three hundredths (66.23) feet across U. S. Highway No. 1 to a concrete monument on the east right of way of said U. S. Highway No. 1 and the point of beginning of the lands herein described; thence north forty-nine (49) degrees, seven (7) minutes, twenty (20) seconds east six hundred eight and seventy-eight hundredths (608.78) feet to an iron pipe on the shore of the Indian River; thence southeasterly along the shore line of the Indian River two hundred ninety-nine and five hundredths (299.05) feet to an iron pipe; thence south sixty-three (63) degrees, twenty (20) minutes, twenty-five (25) seconds west, six hundred sixty-three and ninety-five hundredths (663.95) feet to a concrete monument on the east right of way line of U. S. Highway No. 1; thence north fourteen (14) degrees, twenty-four (24) minutes, forty (40) seconds west, one hundred fifty (150) feet to a concrete monument and the point of beginning. TOGETHER with all riparian rights thereunto appertaining.

PARCEL NO. 8:
(Title vested by virtue of Deed recorded in ORB 525/974).

Start at a concrete monument at the southwest corner of Government Lot 2, Section 19, Township 23 South, Range 36 East, Brevard County, Florida, go north along Section line 349.63 feet to an iron pipe; thence north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east, 1648.5 feet to an iron pipe set on the east right of way line of U. S. Highway No. 1, as presently located; thence south fourteen (14) degrees, thirty-six (36) minutes east along said east right of way line, a distance of 150 feet to a concrete monument for a point of beginning of lands hereby conveyed; thence north sixty-three (63) degrees, thirty-one (31) minutes, east along south line of lands described in Deed Book 410, page 622, Public Records of Brevard County, Florida, a distance of 664.1 feet to a stone set on the shore of the Indian River; thence

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southeasterly along said shore line, a distance of 76 feet, thence westerly to a point on the east right of way line of U. S. Highway No. 1, said point being 51 feet south-easterly measured along said right of way line from the point of beginning; thence northwesterly along said right of way line, a distance of 51 feet to the point of beginning.

In addition thereto, all riparian and littoral rights thereunto appertaining.

PARCEL NO. 9:
(Title vested by virtue of Deed recorded in ORB 525/974).

Beginning on the west shore of the Indian River at the southeast corner of Parcel No. 8, thence run southeasterly along the shore line of the Indian River to the southeast corner of property described in Deed Book 369, page 525, Public Records of Brevard County, Florida; thence continue westerly along said south line of property described in Deed Book 369, page 525, Public Records of Brevard County, Florida, a distance of 340 feet; thence run northerly to an iron pipe located on the south line of the property described as Parcel No. 8 above, said point being located 330 feet, more or less, measured along said south line of Parcel No. 8 from the waters of the Indian River and easterly 310 feet measured along said south line from the east right of way line of U.S. Highway No. 1; thence easterly along the south line of property described as Parcel No. 8 to the point of beginning. In addition thereto, all riparian and littoral rights thereunto appertaining.

This conveyance is made subject to an easement ten (10) feet wide, extending from the land hereinabove described to the waters of the Indian River, which was reserved in the deed executed by Edward Lawton and Marie Lawton to Delmer H. Roberts, dated March 1, 1957, and recorded in Deed Book 442, page 251, Public Records of Brevard County, Florida.

PARCEL NO. 10:
(Title vested by virtue of Deed recorded in ORB 525/663).

From the Coquina monument at the northeast corner of U. S. Government Lot 3, being the northeast corner of the west-half (W 1/2) of the southwest quarter (SW 1/4) of fractional Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, run the northwesterly line of the Roseveer Terrace Subdivision (according to the plat of said subdivision recorded in Plat Book 4, page 70, and replatted according to plat recorded in Plat Book 8, page 40, Public Records of Brevard County, Florida), on a course of north thirty-six (36) degrees, thirty (30) minutes east, a distance of 307.1 feet to an iron pipe; thence run the northerly line of the said Roseveer Terrace Subdivision, being the northerly line of P. D. Shuping's land, on a course of north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of 212.7 feet to a concrete post on the east side of the right of way of U. S. Highway No. 1, which point is the point of beginning of the land herein described; from the said point of beginning, run north fourteen (14) degrees, thirty-six (36) minutes west on the east side of the right of way of U. S. Highway No. 1, a distance of one hundred (100) feet, more or less, to the south line of the land conveyed by Edward and Marie Lawton to Delmer H. Roberts by deed recorded in Deed Book 437, page 232; thence run easterly on the south line of the land conveyed by Edward

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and Maria Lawton to Dalmer H. Roberts, recorded in Deed Book 437, page 232 aforesaid, a distance of 310 feet, more or less, to an iron pipe in a ditch located at the northwest corner of the lands conveyed by Edward and Maria Lawton to Dalmer H. Roberts by deed recorded in Deed Book 442, page 251; thence run southerly on the west line of the lands conveyed to Dalmer H. Roberts in Deed Book 242, page 251, a distance of 100 feet, more or less, to the north line of the Roseveer Terrace Subdivision aforesaid; and thence run South sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds west on the north line of the Roseveer Terrace Subdivision aforesaid, a distance of 394.8 feet, more or less, to the point of beginning.

ALSO, all of the right, title and interest of the parties of the first part in and to the easement ten (10) feet wide, extending from the land hereinabove described to the waters of the Indian River, which was reserved in the deed executed by them to Dalmer H. Roberts, dated March 1, 1957, and recorded in Deed Book 442, page 251, Public Records of Brevard County, Florida.

PARCEL NO. 11:
(Title vested by virtue of Judgment recorded in CCMB 47/102).

A tract of land situated in government lot two of Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, described as follows: From the Northeast corner of the west half of the southwest quarter (SW 1/4) of Section nineteen (19) aforesaid, which is a point of reference, run the boundary of the Roseveer Terrace Subdivision (the plat of which is recorded in Plat Book 4, page 70, Public Records of Brevard County, Florida) north thirty-six (36) degrees, thirty (30) minutes east, a distance of three hundred seven and one-tenth (307.1) feet, and thence north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of two hundred twelve and seven tenths (212.7) feet to a point on the east side of the right of way of State Road No. 5, also known as U. S. Highway No. 1, which is the point of beginning of the land herein described, and from the said point of beginning, continue on the north line of the Roseveer Terrace Subdivision, north sixty four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of seven hundred thirty-four and eight tenths (734.8) feet, more or less, to the west bank of the Indian River; thence run southerly in the waters edge of the Indian River, a distance of one hundred ninety two (192) feet to a stake at the northeast corner of the lands of Conrad W. and Ruth D. Cramer, described in Deed Book 345, page 314; thence run westerly on the north line of the lands of Conrad W. and Ruth D. Cramer to a point on the east line of State Road No. 5, also known as U. S. Highway No. 1, which is 115 feet from the point of beginning; thence run northerly on the east line of the right of way of State Road No. 5, a distance of one hundred fifteen (115) feet to the point of beginning. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PARCEL NO. 12:
(Title vested by virtue of Judgment recorded in CCMB 47/102).

A tract of land situated in government lot two (2) of Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, described as follows: From the northeast corner of the west-half (W 1/2) of

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the southwest quarter (SW 1/4) of Section nineteen (19), aforesaid, which is a point of reference, run the boundary of the Roseveer Terrace Subdivision (the plat of which is recorded in Plat Book 4, page 70, Public Records of Brevard County, Florida) north thirty-six (36) degrees, thirty (30) minutes east, a distance of three hundred seven and one-tenth (307.1) feet, and thence north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of two hundred twelve and seven tenths (212.7) feet to a point on the east side of the right of way of State Road No. 5, also known as U. S. Highway No. 1, thence run southerly on the east line of the right of way of State Road No. 5, also known as U.S. Highway No. 1, a distance of one hundred fifteen (115) feet to the southwest corner of the lands of William Cramer, Jr., and Catherine Cramer, which is the point of beginning of the land herein described; thence run easterly on the south line of the lands of William Cramer, Jr., and Catherine Cramer to a point on the west shore of the Indian River, which is one hundred ninety two (192) feet southerly, as measured along the shore of the Indian River from the northeast corner of the Roseveer Terrace Subdivision; thence run southerly in the waters edge of the Indian River, a distance of one hundred and ninety two (192) feet to the northeast corner of the lands of Worth A. Overseker and Maud I. Overseker; thence run westerly on the north line of the lands of Worth A. Overseker and Maud I. Overseker to a point on the east right of way line of State Road No. 5, which is two hundred thirty (230) feet, measured on said right of way line from the north line of Roseveer Terrace Subdivision; thence run northerly on the east line of said State Road right of way line, a distance of one hundred fifteen (115) feet to the point of beginning. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PARCEL NO. 11:
(Title vested by virtue of Deed recorded in ORB 525/667).

Parcel A: Begin at an iron pipe on the East right of way line of U. S. Highway No. 1, which iron pipe is the corner of Shuping and Cramer lands, for POINT OF BEGINNING; thence Eastward along Shuping and Cramer line to an iron pipe set on the high water mark of the Indian River; thence Southeasterly along the high water mark of the Indian River, a distance of 384 feet to an iron pipe; thence Westerly to the East right of way line of U. S. Highway No. 1 to a point, which point is 230 feet from point of beginning, measured along the East right of way line of U. S. Highway No. 1; thence Northwesterly along said right of way line to a point of beginning, being part of Roseveer Terrace as per Plat recorded in Plat Book 4, page 70, of the Public Records of Brevard County, Florida, in Section 19, Township 23 South, Range 36 East, together with all riparian, littoral and shore rights thereunto belonging or in any wise appertaining.

Parcel B: Begin at an iron pipe at a point on the East right of way line of U. S. Highway No. 1, which point is 230 feet Southeasterly from Shuping-Cramer corner post, for POINT OF BEGINNING; thence Easterly along the Southerly line of Warren A. Shuping and Catherine J. Shuping, to an iron pipe set on the high water mark of the Indian River (which iron pipe is 384 feet Southeasterly from an iron pipe set on the Indian River, which iron pipe marks corner of Shuping-Cramer land); thence along the high water mark of the Indian River, a distance of 369.30 feet to an iron pipe which marks the corner of Shuping-Nash land; thence Westerly to a concrete post set on

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the East right of way line of U.S. Highway No. 1, which post is corner of Shuping-Nash land, which point is 231 feet measured along said right of way line from point of beginning; thence along the East right of way line of U. S. Highway No. 1 to point of beginning, being part of land in Rosevear Terrace as per Plat Book 4, page 70, of the Public Records of Brevard County, Florida, in Section 19, Township 23 South, Range 36 East, together with all and singular the rights, numbers, privileges, hereditaments, and appurtenances to the same belonging to or in any wise appertaining, and riparian, littoral and shore rights thereunto belonging or in any wise pertaining.

The land above described as PARCEL A and PARCEL B, being otherwise described as:

All that certain tract or parcel of land situate, lying and being in Government Lots 2 and 4, of Section 19, Township 23 south, Range 36 East, in Brevard County, Florida, and being more particularly described as follows:

Beginning at a concrete monument on the Easterly right of way line of U. S. Highway No. 1 (State Road No. 5), as presently located, 318.12 feet South of the North line of said Government Lot 4, (said concrete monument is South 40 degrees East 46.4 feet from the center of a concrete culvert under said U. S. Highway No. 1); thence, run South 89 degrees, 59 minutes, 40 seconds East, 1040 feet along the South line of Rosevear Terrace, according to plat of said subdivision recorded in Plat Book 4, page 70, of the Public Records of Brevard County, Florida, to a concrete monument set on the West bank of the Indian River, (an 8 inch palm bears South 58 degrees West 42 feet; a gum tree (7 inches) bears North 47 degrees West 53.5 feet), and thence continue on the same course to and into the waters of the Indian River; thence run Northwesterly, meandering the waters edge of the Indian River, a distance of 753 feet to an iron pipe set at the Southeast corner of the lands of Conrad W. Cramer and Ruth D. Cramer, husband and wife, as described in Deed Book 345, page 314, Public Records of Brevard County, Florida; thence run South 76 degrees, 14 minutes, 20 seconds West along the South line of said lands of Conrad W. Cramer and Ruth D. Cramer, as described in Deed Book 345, page 314, a distance of 824 feet to an iron pipe set on the Easterly right of way line of U.S. Highway No. 1 (State Road No. 5) as presently located; thence go South 15 degrees, 14 minutes, 40 seconds East along the Easterly right of way line of said U. S. Highway No. 1 (State Road No. 5) as presently located, a distance of 461 feet to the concrete monument set at the point of beginning, together with all riparian, littoral and shore rights thereunto belonging or in anywise pertaining.

PARCEL NO. 14:
(Title vested by virtue of Deed recorded in ORB 886/678).

That part of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida, more particularly described as follows, to-wit: Begin at the NW corner of the aforesaid Government Lot 4; thence run S on the W line of said Government Lot 4, 329.77 feet, to a coquina post; thence S 89 degrees, 35 minutes E 549.75 feet, or or less to a concrete post set on the E side of U. S. Highway No. 1, for the point of beginning. From said point of beginning run thence S 14 degrees, 45 minutes E along the E side of said Highway 275.49 feet, to a concrete post, which post is 266 feet, S of the point of beginning by right angle measurements; thence run S 89 degrees, 35 minutes E and parallel to the N line of said

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Government Lot 4 and 589.77 feet, S therefrom a distance of 1,007 feet, more or less, to a concrete post; thence continue S 30 feet, more or less, to and into the waters of the Indian River; thence Northwesterly meandering the waters of the Indian River to a point distant at right angle measurements S of the N line of said Government Lot 4, 323.77 feet, thence N 89 degrees, 35 minutes W and parallel to the N line of said Government Lot 4, 1,039.5 feet, more or less, to the point of beginning.

PARCEL NO. 15:
(Title vested by virtue of Deed recorded in ORB ___/___).

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida; thence South on the West line of said Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to the North line of said Lot 4 a distance of 549.75 feet to a concrete post on the East right of way line of U.S. Highway #1; thence Southeasterly along said East right of way line a distance of 266 feet South of the last course by perpendicular measure to a concrete post; thence East parallel to the North line of said Lot 4 a distance of 695.67 feet to a concrete post for a Point of Beginning; thence south a distance of 90 feet; thence East parallel to the North line of said Government Lot 4 a distance of 150 feet; thence North a distance of 90 feet; thence West along a line parallel to the North line of said Government Lot 4 a distance of 150 feet to the Point of Beginning; together with easement for road right of way 20 feet wide running East and West from the Indian River to said Highway and bordering said parcel on the South and together with all riparian, littoral and shore rights belonging or in anywise pertaining.

PARCEL NO. 16:
(Title vested by virtue of Deed recorded in ORB 858/333).

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida; thence South on the West line of said Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to the North line of said Lot 4 a distance of 549.75 feet to a concrete post on the East right-of-way line of U. S. Highway No. 1; thence Southeasterly along said East right-of-way line a distance of 266 feet (the 266 feet measured perpendicularly) to a concrete post; thence East parallel to North line of said Lot 4 a distance of 845 feet to a concrete post for point of beginning; thence South a distance of 90 feet; thence East parallel to the North line of said Lot 4 a distance of 90 feet; thence North a distance of 90 feet; thence West parallel to the North line of said Government Lot 4 a distance of 90 feet to the Point of Beginning and being in Government Lot 4, Section 19, Township 23 South, Range 36 East, together with easement for road right-of-way 20 feet wide running East and West from Indian River to said Highway and bordering said parcel on the South.

PARCEL NO. 17:
(Title vested by virtue of Deed recorded in ORB 858/336).

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida, thence South on the West line of said Lot 4 a distance of

Continued on next page

STORMWATER MANAGEMENT PLAN
AND CERTIFIED CONSTRUCTION DRAINAGE PLAN

Stormwater Management Plan

Engineering Calculations & Supplementary Documents
Supporting a Surface Water Management System Serving

Cape Canaveral Energy Center
Cape Canaveral, Florida

Prepared for the benefit of

FPL®

Prepared By:

Boyle Engineering Corporation
3550 SW Corporate Parkway
Palm City, Florida 34990
(772) 286-3883

October 2008
Revised: December 2008

ENGINEER OF RECORD
PATRICK J. LACONTE, P.E.
BOYLE ENGINEERING CORP. NO. 2005
FLORIDA REGISTRATION NO. 41070
3550 S.W. CORPORATE PARKWAY
PALM CITY, FLORIDA 34990

12/9/08
SIGNATURE / DATE

Cape Canaveral Energy Center – Stormwater Management Plan

Table of Contents

DESCRIPTION	PAGE
Table of Contents	ii
List of Enclosed Exhibits	ii
1 – Project Description	1
2 – General Drainage Design Criteria	1
3 – Existing Conditions	2
4 – Proposed Conditions	3

List of Enclosed Exhibits

DESCRIPTION	
Exhibit	
A	Aerial Exhibit
B	SJRWMD Rainfall Maps
C	Soil Survey
D	FEMA Flood Insurance Rate Map Panel
E.1	Pre-Development Basin Map
E.2	Pre-Development Land Use & Stage Storage Calculations
E.3	Pre-Development AdICPR Model Nodal Diagram and Input Report
E.4	Pre-Development Model Output • Basin Summary • Node Max Report • Link Max Report
F.1	Post-Development Basin Map
F.2	Post-Development Land Use & Stage Storage Calculations
F.3	Post-Development Water Quality Calculations
F.4	Post-Development AdICPR Model Nodal Diagram and Input Report
F.5	Post-Development AdICPR Model Output • Basin Summary • Node Max Report • Link Max Report

PROJECT DESCRIPTION AND DRAINAGE NARRATIVE

1 – PROJECT DESCRIPTION

The Florida Power & Light Company (FPL) is proposing a conversion of their existing Cape Canaveral Plant on a ±40-acre site located between Cocoa and Titusville, Florida. The site is bounded on the east by the Intracoastal Waterway/ Indian River and on the west by U.S. 1 in Section 19, Township 23S, Range 36 E of Brevard County, Florida. Across the river from the plant is the Kennedy Space Center. This report presents the proposed Stormwater Management System (SWMS) design and all applicable supporting information.

2 – GENERAL DRAINAGE DESIGN CRITERIA

2.1 – APPLICABLE REGULATIONS:

The SWMS is governed by the Florida Department of Environmental Protection (FDEP) regulations for Environmental Resource Permitting (ERP) (Chapter 62-330 and 62-25, F.A.C.). According to this regulation, the rules of the local water management district are adopted by reference for FDEP ERP requirements. Since this project is located within the boundaries of the St. Johns River Management District (SJRWMD), the SWMS for the project has been designed according to the criteria set forth in the SJRWMD Regulation of Stormwater Management Systems and Management and Storage of Surface Waters.

2.2 – SWMS MODELING:

An Advanced Inter-Connected Pond Routing (AdICPR) model has been developed and implemented as part of the engineering analysis for the proposed project. AdICPR is commercially available software that allows modeling of multiple basins simultaneously. It is widely accepted by local, state, and federal agencies as appropriate for the engineering analysis of these types of projects.

2.3 – RAINFALL DEPTH, DURATION AND DISTRIBUTION:

The design rainfall depths for the project area have been obtained from Technical Publication SJ 88-3 and are summarized in the table below. Rainfall maps are included in **Exhibit B** of the report. The SCS Type II Cumulative Rainfall Distribution (SCSII) has been used to develop the 24-hour storm event hydrographs.

Storm Event	Design Purpose	Rainfall Depth (in)
10-year / 24-hour	Minimum Road Crown Elevation	7.50
25-year / 24-hour	Allowable Discharge / Minimum Perimeter Berm Elevation	9.50

2.4 – SOIL STORAGE:

The moisture storage capacity of the soil profile has been estimated according to the National Resources Conservation Services (SCS) Curve Number. Based on the soils present at the site (**Exhibit C**), and using the SCS Technical Release 55 a weighted curve number was calculated for the site.

The curve number for each basin is an area-weighted average where the pervious areas receive a curve number of 80 and the impervious areas received a curve number of 98. Land use and soils storage calculations for both the existing and proposed development are available in **Exhibits E.2 and F.2**, respectively.

2.5 – TIME OF CONCENTRATION:

Both the existing and proposed site conditions are power plants which have a large percentage of impervious area. Runoff is able to travel to its collection point in a short duration. Therefore, the time of concentration for each basin has been set at 10 minutes.

2.6 – TAILWATER:

The project site has historically discharged to the Indian River. The Safe Upland Line / Ordinary High Water elevation of (-)0.24-ft (NAVD-88) has been utilized as the downstream tailwater boundary condition for the existing and proposed surface water modeling.

2.7 – ALLOWABLE DISCHARGE RATE:

The pre-development discharge rate determined from the model analysis for the 25-year / 24-hour rainfall event has been used as the allowable discharge rate for the project.

2.8 – FEMA FLOOD ELEVATION:

The flood elevation for the east edge of the project site ranges from 1.66 to 2.66-ft NAVD (3.0-ft to 4.0-ft NGVD) as provided on FEMA Flood Insurance Rate Map Panel 12009C0260 E. The FEMA flood elevation for the site has been compared against the 25-year/ 24-hour elevations to estimate building finished floor elevations for the project. The FEMA Map Panel is provided in **Exhibit D**.

2.9 – WATER QUALITY

The proposed SWMS provides the water quality treatment required for the project area as required by SJRWMD criteria for dry retention, based on the greater of one-half inch over the project area or 1.25 inches over the percent impervious. In addition to the above stated water quality the site must also provide an additional one-half inch over the project area since on-line dry retention is proposed. Also, since the project discharges to a Class II Surface Water (Indian River), the SWMS provides 150% of the SJRWMD water quality standards.

3 – EXISTING CONDITIONS

3.1 – SITE DESCRIPTION:

The ±40-acre property consists of the operating power plant and the supporting facilities. These facilities include tanks, support buildings, roadways, parking areas, and storage areas. Since this is an existing industrial facility, there is a large amount of impervious area resulting in a large pre-development discharge rate. The site generally slopes west to east towards the Indian River. The change in elevation from the west to east end of the site averages 6-8 feet.

While the overall property is ±40-acres, the project area is located to the north of the existing intake canal and amounts to ±23-acres. The ±23-acre project area consists of the power blocks/unit settling basins, pavement, parking areas, open space, and the containment site. The existing site has been split into four separate areas to describe the path of discharge off-site into the Indian River. These same areas have been used to describe the existing conditions of the site and are described in greater detail below. A pre-development basin map has been provided as **Exhibit E.1**.

3.2 – BASIN SUMMARY:

3.2.1 – CONTAINMENT AREA SWALE (1.14 ACRES)

This basin is located north of the existing Containment Area. Drainage in this location is directed to a swale which discharges into the Indian River and does not enter the plant drainage system. Therefore, this area has not been included within the modeling for the existing conditions to determine an allowable discharge rate. No changes are proposed to this area.

3.2.2 – CONTAINMENT AREA BASIN (5.64 ACRES)

This basin is composed of the two fuel storage tanks and surrounding area completely surrounded by an earthen berm. All stormwater occurring within this area is primarily evaporated and percolated. Excess stormwater within this basin can be manually drained by valves. These valves are closed and locked when not in use which prevents any water from reaching the Indian River. In addition, water discharged from this area must be tested prior to any release. There

is no surface water discharge from the Containment Area into the Indian River during storm events. Therefore, this area has not been included within the modeling for the existing conditions to determine an allowable discharge rate.

3.2.3 – POWER BLOCK/ SOLID SETTLING BASIN (4.37 ACRES)

This basin is composed of the operating power plant located in the center of the project site. The power plant itself is completely surrounded by a concrete wall. All waste ash water, stormwater and wastewater occurring within this area is collected in drainage sumps and is pumped to the three wastewater treatment areas located near the east project boundary and one water treatment area located west of the power block.

The two lined solids settling basins (SSB), and evaporation / percolation ponds (EP) are located near the eastern boundary of the site and the blowdown recovery basin is located just west of the power block. Water pumped to this area enters the SSB where it is treated to remove dissolved metals. After treatment in the SSB, the water is then pumped to the EP where it evaporates and percolates. This area is surrounded by a berm and a wall, while manually operated drainage valves are maintained in a closed position. This prevents any water from reaching the Indian River prior to treatment. In addition, water discharged from this area must be tested prior to any release. There is no surface water discharge from this area into the Indian River during storm events. Therefore, this area has not been included within the modeling for the existing conditions to determine an allowable discharge rate.

3.2.4 – GENERAL SITE BASIN (11.86 ACRES)

The General Site is composed of contractor and employee parking lots, and all remaining area associated with the project site. Stormwater drains into local yard drains and catch basins which interconnect with the existing SWMS ultimately discharging through four outfalls into the Indian River.

3.3 – SUMMARY OF RESULTS:

The areas described above have been modeled in AdICPR to determine the allowable discharge for the project site. The criteria set forth previously in this report have been used to develop this model. A nodal diagram has been presented as part of **Exhibit E.3** to graphically describe the components of the model. The allowable discharge has been calculated from the rainfall volume of the 25-year / 24-hour storm event.

Based on the existing site conditions as described above and the design criteria utilized for the modeling, the project site has an allowable discharge of 58.01 cfs for the 25-year / 24-hour storm event. The table below summarizes this information. Land-use, stage-storage, and stage-area calculations used to provide input for the model are provided in **Exhibit E.2**. Model input and output reports are provided in **Exhibits E.3 and E.4**, respectively.

Storm Event	Drainage Area (ac)	Rainfall Depth (in)	Allowable Discharge (cfs)
25-year / 24-hour	11.86	9.50	58.01

4 – PROPOSED CONDITIONS

4.1 – PROJECT DESCRIPTION:

The conversion effort will begin with the demolition of the existing plant and supporting facilities. A new power plant with supporting infrastructure will be built in its place. As part of the proposed infrastructure, a SWMS will be constructed to provide on-site water quality (WQ) treatment and flood attenuation where none currently exists.

The proposed SWMS has been conceptualized as single basin consistent with the existing condition. WQ treatment will be provided in a series of interconnected dry retention areas located throughout the project. Runoff will be treated and then discharged into the Indian River at a rate less than the allowable discharge. A more detailed description of each of these basins, proposed land use assumptions, and a detailed description of the proposed WQ treatment is presented below. A post-development basin map has been provided as **Exhibit F.1**.

4.2 – Basin Summary:

4.2.1 – General Site Basin – 18.12 acres

The General Site Basin is proposed to include the dry retention ponds, a ±1.7-acre switchyard and power block areas encompassing ±6.64-acres of asphalt/concrete (roadway and parking) and open space. The basin varies in elevation from 10.5 to 15.0-ft NAVD.

Runoff from the General Site Basin will collect in a series of interconnected dry retention areas around the site. These retention areas have been designed to a depth of four feet. The retention areas cover 2.03 acres with a bottom elevation of 6.0-ft NAVD. An excess of 6-ft between the bottom of the retention area and the Safe Upland Line/Ordinary High Water of the adjacent Indian River will provide sufficient depth to water table for the retention area.

Two control structures have been conceptually designed for the General Site Basin. Each control structure consists of an FDOT Type-E Drop Structure with a 36-inch weir set at 7.8-ft NAVD. These structures have been sized to provide approximately 2.21 acre-ft of WQ volume across the General Site Basin which discharges through 24-inch culverts into the Indian River.

4.3 – Land Use Assumptions

The table below summarizes each type of land use used in the post-development calculations. Additional clarification on the land use assumptions shown in the table is also provided:

- The open space has an assumption of 20% impervious to account for potential increases in impervious area in future changes to the site plan.
- The land use breakdown for the Gas Yard and Compressor Station are based on discussions with FPL regarding their experience with similar projects.
- Contact area represents area that does not drain to the SWMS during rainfall events. This contact area is collected in a sump and treated for potential contaminants located in those specific areas. These contact areas have not been included in the water quality calculations and modeling.

Type	Description	Land Use Assumption (%)		
		Pervious	Impervious	Contact
Open Space	Open area covered with either sod or gravel over natural ground	80	20	--
Paved Areas	Asphalt and Concrete	--	100	--
Building	Buildings, storage tanks, and other areas covered with roof	--	100	--
Gas Yard	Equipment and foundations within a large area covered by gravel over natural ground	95	5	--
Compressor Station	Area with concrete pads and equipment within open space covered by gravel over natural ground	75	25	--
Dry Retention	Excavated dry retention swales	100	--	--
Contact Areas	Areas with potential contaminants surrounded by curb and draining to sump to receive special treatment	--	--	100

4.4 – Water Quality Calculations

The proposed SWMS will provide the WQ treatment required for the project area as required by SJRWMD criteria, based on the greater of one-half inch over the project area or 1.25 inches over the percent impervious. In addition, one-half inch over the site must be added to the treatment volume since the SWMS is considered an "On-Line Retention" system. Also, since the Indian River is a Class II Surface Water, 150% of the required retention volume must be provided. The project is an industrial site with high percentages of impervious area, however a slightly greater volume was calculated using the one-half inch over the project area.

Based on the water table elevation and soils information for the site, a dry retention system is proposed. The proposed WQ volume is provided for the General Site Basin. The following table below summarizes the WQ volumes provided within the project. Detailed WQ calculations are provided in **Exhibit F.3**.

Basin	WQ Volume Required	WQ Volume Provided	WQ Treatment Elevation
	(ac-ft)	(ac-ft)	(ft NAVD)
General Site	2.21	2.21	7.80
Total:	**2.21**	**2.21**	– –

4.5 – Summary of Results:

The areas described above have been modeled in AdICPR to determine design elevations for the project site. The criteria set forth previously in this report have been used to develop this model. A nodal diagram has been presented as part of **Exhibit F.4** to graphically describe the components of the model. The results of the post-development model are summarized below. Land-use, stage-storage, and stage-area calculations used to provide input for the model are provided in **Exhibit F.2.** Model input and output reports are provided in **Exhibits F.4 and F.5**, respectively.

The allowable discharge for the site has been calculated in the pre-development model as 58.01 cfs. The peak discharge resulting from the 25-year / 24 hour storm in the post-development model is 56.09 cfs.

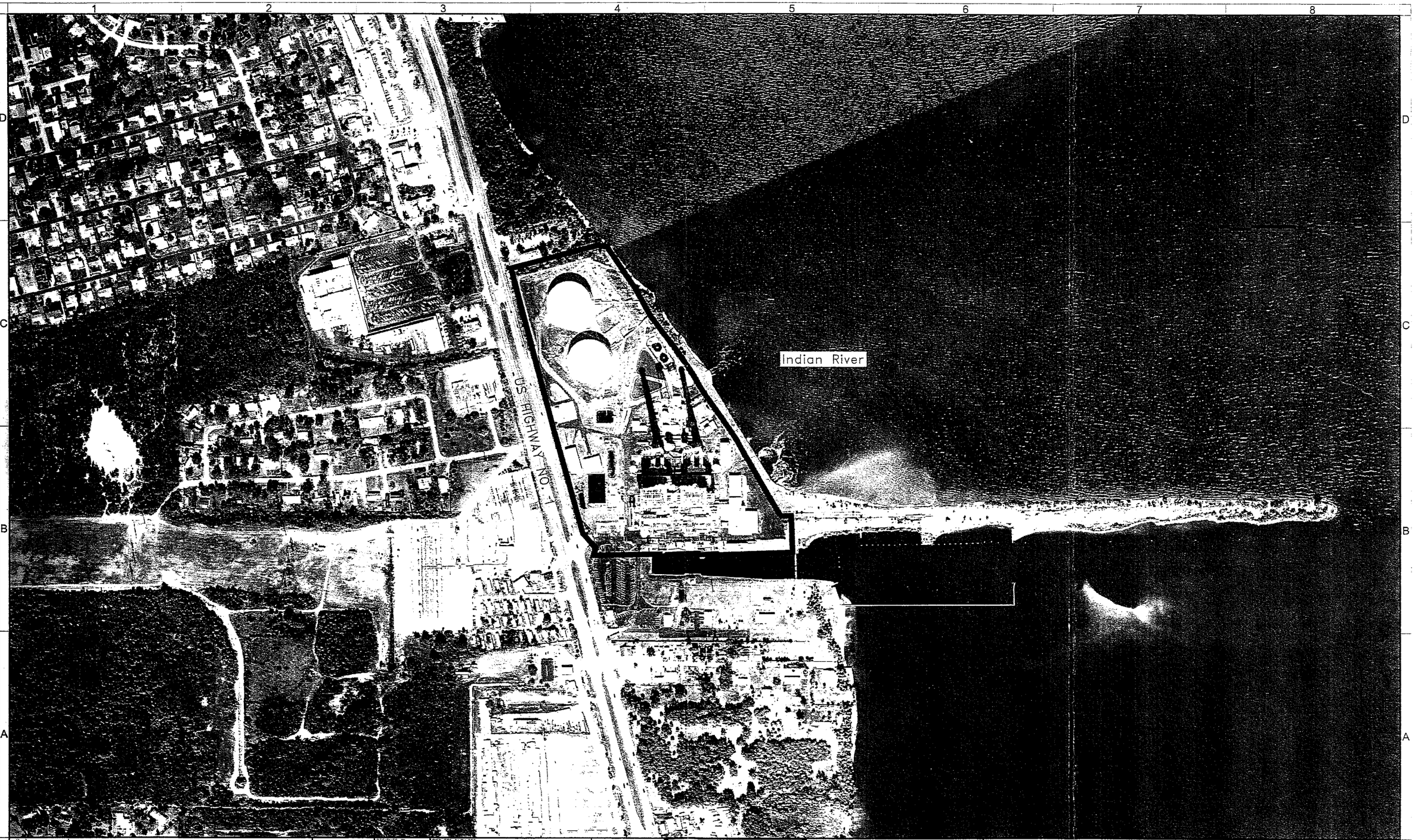
The minimum road crown elevation for each basin has been calculated using the 10-year / 24-hour storm event. The minimum perimeter elevation for each basin has been calculated using the 25-year / 24-hour storm event. Results from these storms are summarized in the table below.

Basin	Drainage Area (ac)	10-year / 24-hour (Min. Road Crown)		25-year / 24-hour (Min. Perimeter El.)		
		Peak Stage (ft-NAVD)	Peak Discharge (cfs)	Peak Stage (ft-NAVD)	Peak Discharge (cfs)	Allowable Discharge (cfs)
General Site	18.12	9.4	35.99	9.9	56.09	58.01

The finished floor elevations have been set at a minimum elevation of 11.0 ft.-NAVD based on SJRWMD criteria that the finished floor be set above the peak stage 25-year/ 1-day storm event (minimum perimeter berm elevation). Since this site historically discharges into the Indian River, a tidally controlled water body, the flooding impacts to downstream neighbors are non-existent.

Exhibit A

Aerial Map



REV	DATE	DESCRIPTION	APPR
1			
2			
3			
4			
5			
6			
7			

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

DESIGNED BY: PDH
DRAWN BY: RCF
CHECKED BY: PL
DATE: 9/4/2008

PROJECT ENGINEER
REG NUMBER EXP DATE
PROJECT NUMBER: 17213
CADC STANDARDS

BOYLE
BOYLE ENGINEERING
3530 S.W. Corporate Parkway
Palm City, Florida 34990
T 772-286-3883 F 772-286-3926
BPR & FBPE License No's 2005 & LB7622
www.boyle.decom.com

FLORIDA POWER & LIGHT COMPANY
CAPE CANAVERAL PLANT

AERIAL MAP

DRAWING: 17213 AERIAL EXHIBIT
SHEET: A
OF SHEETS

P:\17213\Permit\SC\ \\a\17213 AERIAL EXHIBIT.dwg, LBFH, 9/4/2008 4:55:00 PM, patrick-h, LBFH Inc.
P:\17213\Permit\SC\ - Plotted by: Helms, Patrick Date: 9/4/2008 - 4:55 PM
XREFS: AVRGIS Survey Conveyed 05152008 - ROADS, Hwy20Dec2005.dwg

Exhibit B

SJRWMD Rainfall Maps

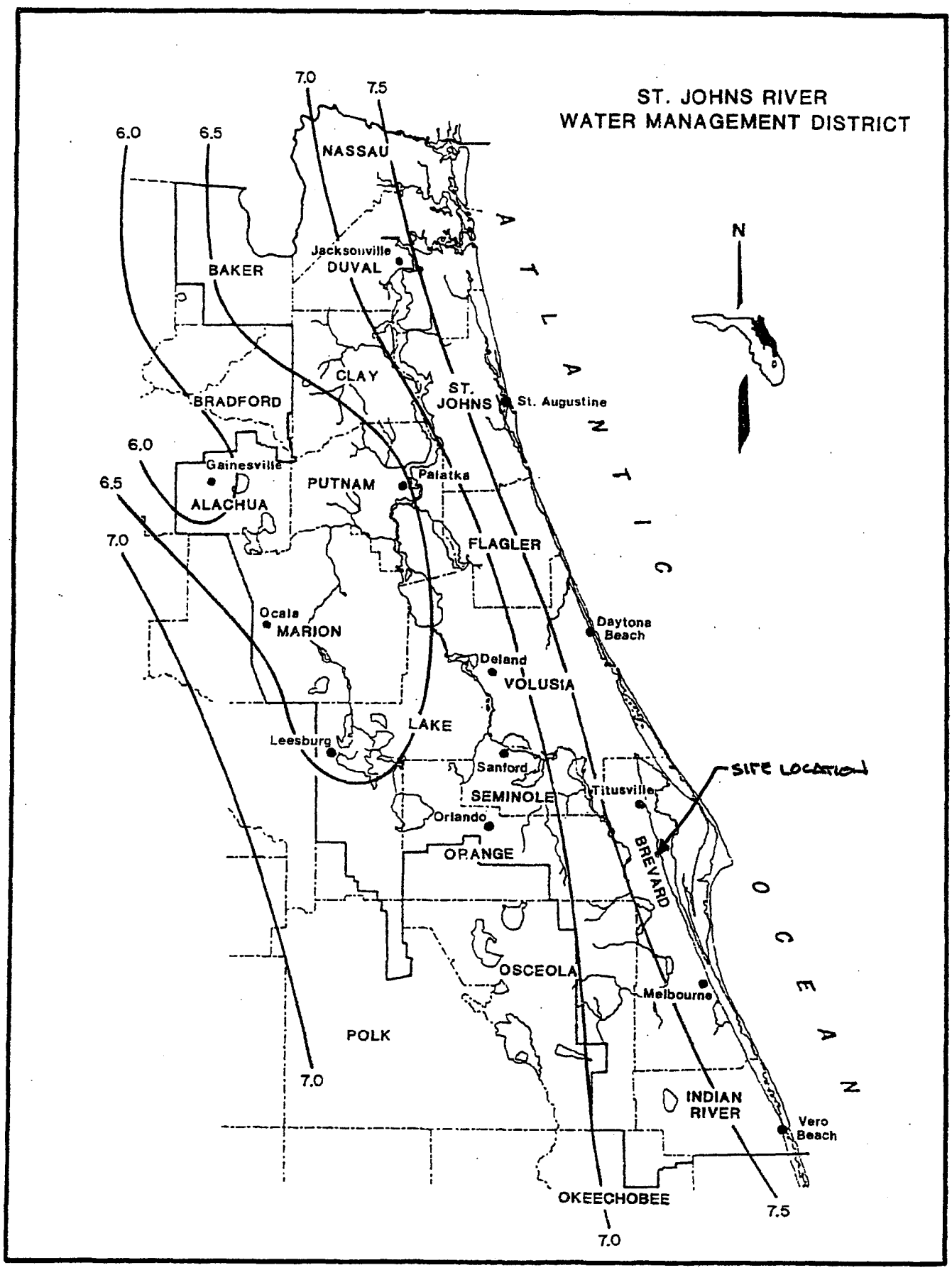


Figure 6. 10-Year 24-Hour Maximum Rainfall for Northeast Florida, Inches.

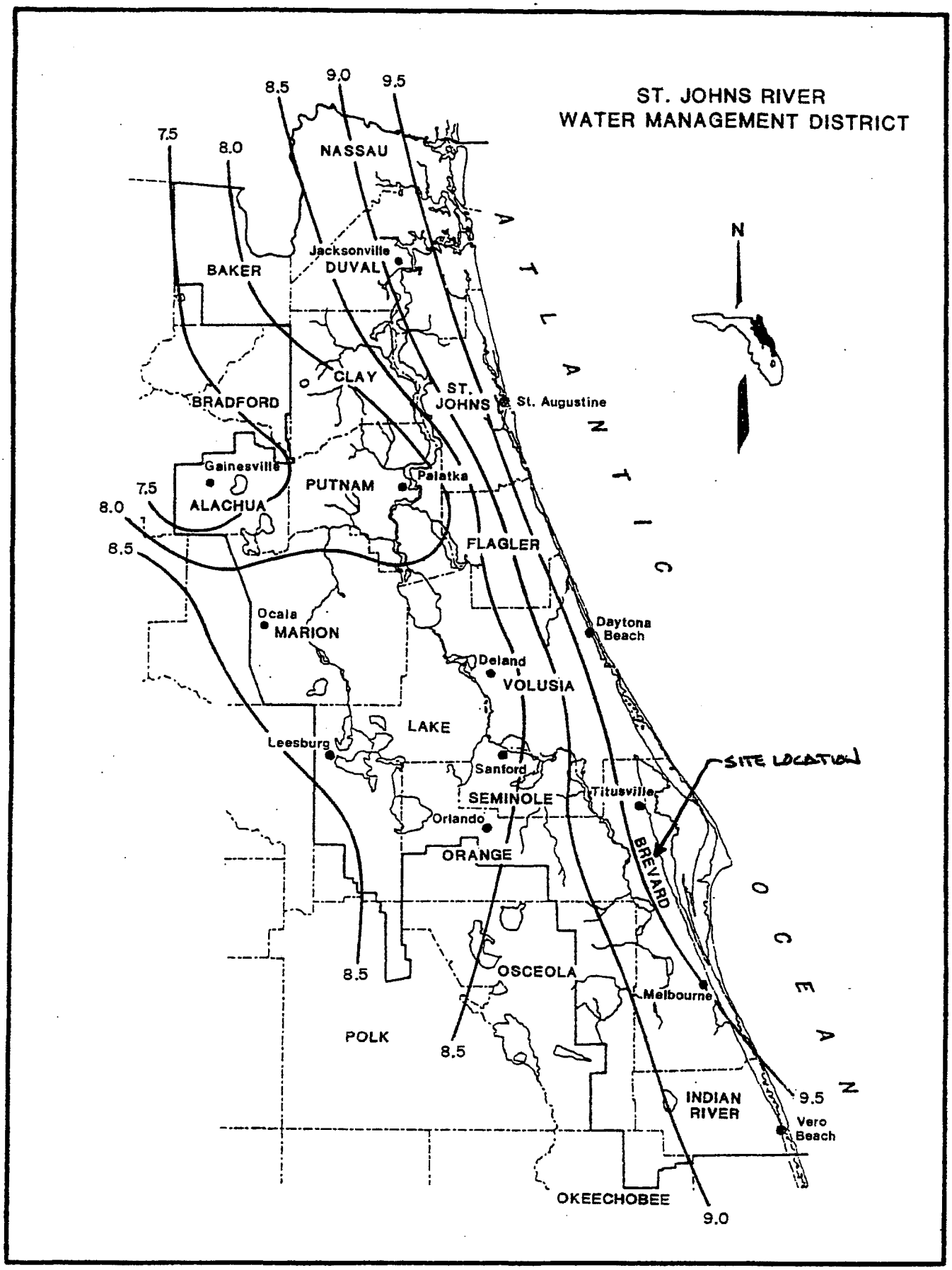
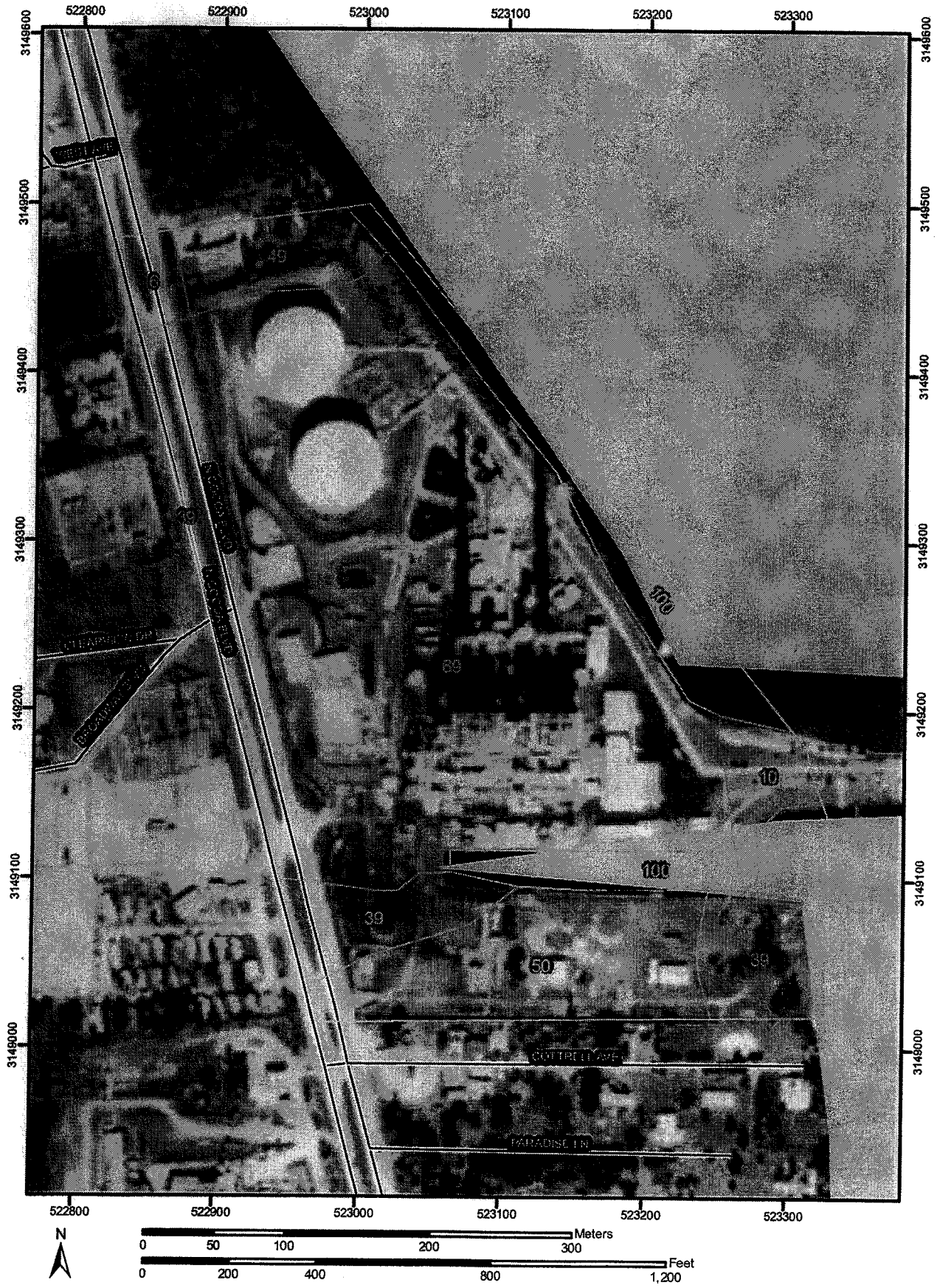


Figure 7. 25-Year 24-Hour Maximum Rainfall for Northeast Florida, Inches.

Exhibit C

Soil Survey


522800
522900
523000
523100
523200
523300
3149600
3149500
3149400
3149300
3149200
3149100
3149000
69
10
100
39
50
SOUTHERN AVE
PARADISE LN
N
0 50 100 200 300 Meters
0 200 400 800 1,200 Feet

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Units

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other

Special Line Features
- Gully
- Short Steep Slope
- Other

Political Features

Municipalities
- Cities
- Urban Areas

Water Features
- Oceans
- Streams and Canals

Transportation
- Rails

Roads
- Interstate Highways
- US Routes
- State Highways
- Local Roads
- Other Roads

MAP INFORMATION

Original soil survey map sheets were prepared at publication scale. Viewing scale and printing scale, however, may vary from the original. Please rely on the bar scale on each map sheet for proper map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: UTM Zone 17N

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Brevard County, Florida
Survey Area Data: Version 6, May 29, 2008

Date(s) aerial images were photographed: 12/24/1999

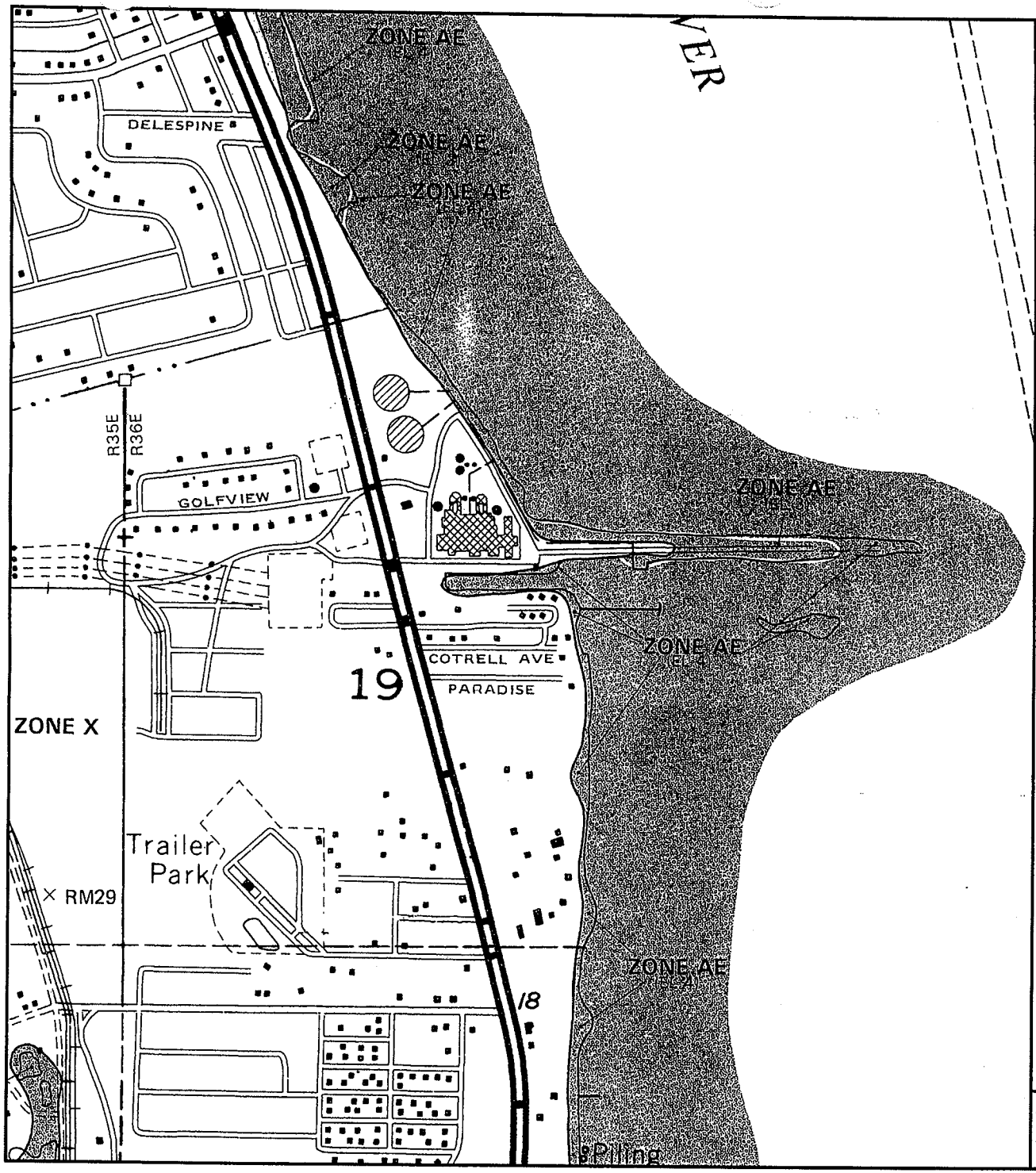
The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Brevard County, Florida (FL009)			
Map Unit Symbol	**Map Unit Name**	**Acres in AOI**	**Percent of AOI**
6	Basinger sand, depressional	0.7	1.5%
10	Canaveral-Urban land complex	1.0	2.3%
39	Myakka-Urban land complex	3.5	7.7%
49	Pomello sand	1.8	4.1%
50	Pomello-Urban land complex	4.9	11.0%
69	Urban land	28.2	62.6%
100	Waters of the Atlantic Ocean	5.0	11.0%
Totals for Area of Interest (AOI)		45.1	100.0%

Exhibit D

FEMA Flood Insurance Rate Map



APPROXIMATE SCALE IN FEET

1000 0 1000

NATIONAL FLOOD INSURANCE PROGRAM

FIRM

FLOOD INSURANCE RATE MAP

BREVARD COUNTY, FLORIDA AND INCORPORATED AREAS

PANEL 260 OF 727

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
UNINCORPORATED AREAS	125092	0260	E

PANEL LOCATION

MAP NUMBER:
12009C0260 E

EFFECTIVE DATE:
APRIL 3, 1989

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD

ZONE A No base flood elevations determined.

ZONE AE Base flood elevations determined.

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.

ZONE AO Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

ZONE A99 To be protected from 100-year flood by Federal flood protection system under construction; no base elevations determined.

ZONE V Coastal flood with velocity hazard (wave action); no base flood elevations determined.

ZONE VE Coastal flood with velocity hazard (wave action); base flood elevations determined.

FLOODWAY AREAS IN ZONE AE

OTHER FLOOD AREAS

ZONE X Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.

OTHER AREAS

ZONE X Areas determined to be outside 500-year flood plain.

ZONE D Areas in which flood hazards are undetermined.

Flood Boundary

Floodway Boundary

Zone D Boundary

Boundary Dividing Special Flood Hazard Zones, and Boundary Dividing Areas of Different Coastal Base Flood Elevations Within Special Flood Hazard Zones.

513 — Base Flood Elevation Line; Elevation in Feet*

D — D — Cross Section Line

(EL 987) — Base Flood Elevation in Feet Where Uniform Within Zone*

$RM7_X$ — Elevation Reference Mark

•M1.5 — River Mile

N

APPROXIMATE SCALE IN FEET

1000 0 1000

NATIONAL FLOOD INSURANCE PROGRAM

FIRM

FLOOD INSURANCE RATE MAP

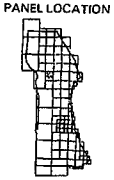
BREVARD COUNTY, FLORIDA AND INCORPORATED AREAS

PANEL 260 OF 727

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
UNINCORPORATED AREAS	125092	0260	E

PANEL LOCATION



MAP NUMBER:
12009C0260 E

EFFECTIVE DATE:
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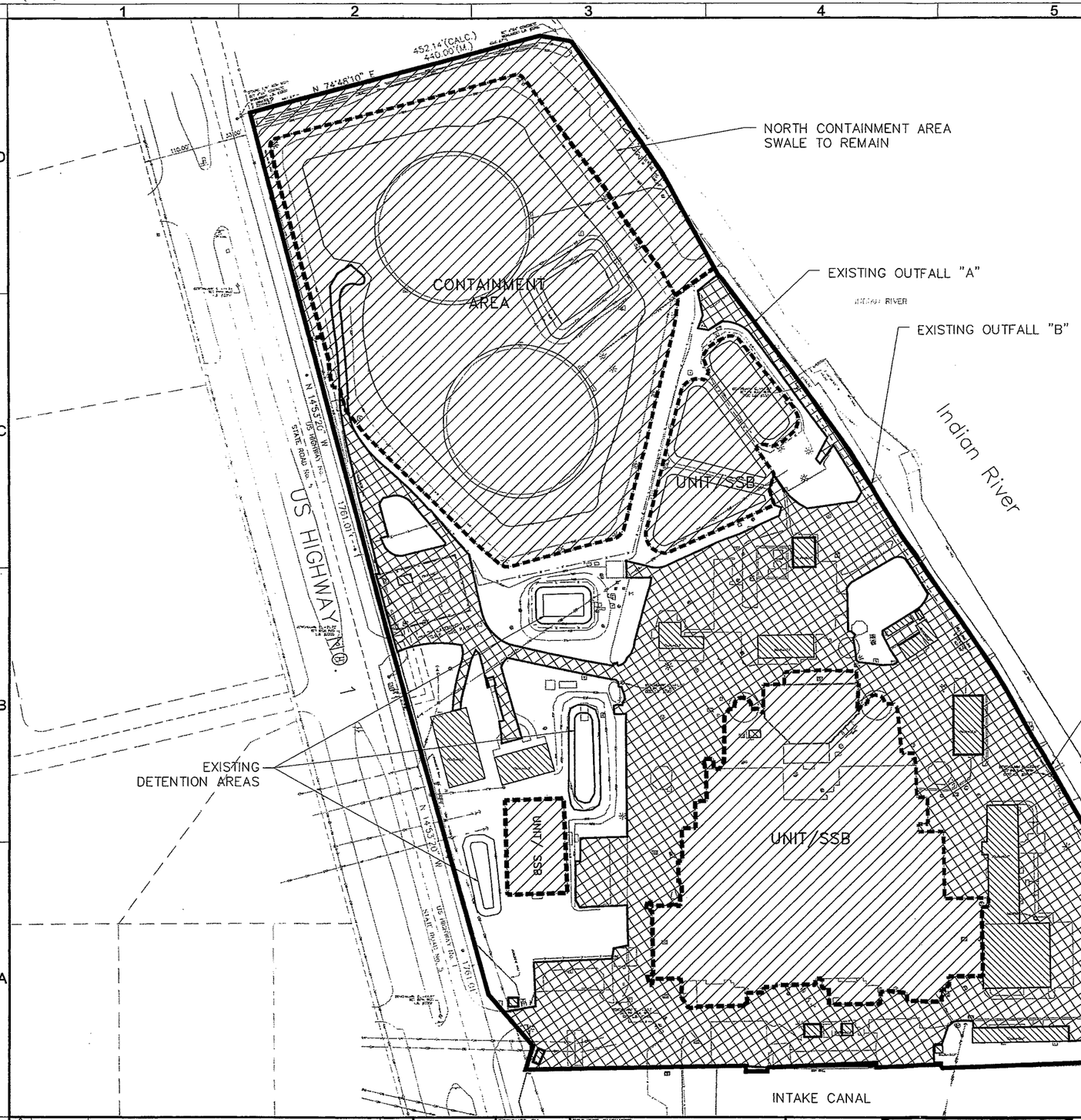
Exhibit E.1

Pre-Development Basin Map



0 80' 160'
Scale: 1" = 80'

LEGEND

- AREAS REMOVED FROM SWM MODEL
- BUILDING
- ASPHALT/IMPERVIOUS AREA
- OPEN SPACE
- BASIN DIVIDE

CONTAINMENT AREA SWALE	
AREA (Ac.)	START ELEV. (ft. NAVD)
1.14	0.00

POWER BLOCK / SOLID SETTLING BASIN LAND USE – EXISTING CONDITIONS

SOLID SETTLING BASIN SLOPE			SOLID SETTLING BASIN BOTTOM		UNITS		WEST SQUARE STORAGE		TOTAL AREA (Ac.)
AREA (Ac.)	START ELEV. (ft. NAVD)	END ELEV. (ft. NAVD)	AREA (Ac.)	START ELEV. (ft. NAVD)	AREA (Ac.)	START ELEV. (ft. NAVD)	AREA (Ac.)	START ELEV. (ft. NAVD)	
0.31	8.70	13.70	0.51	8.70	3.31	12.70	0.24	0.00	5.51

GENERAL SITE LAND USE – EXISTING CONDITIONS

OPEN SPACE			IMPERVIOUS			BUILDING		DETENTION SLOPE			DETENTION BOTTOM		TOTAL AREA (Ac.)
AREA (Ac.)	START ELEV. (ft. NAVD)	END ELEV. (ft. NAVD)	AREA (Ac.)	START ELEV. (ft. NAVD)	END ELEV. (ft. NAVD)	AREA (Ac.)	START ELEV. (ft. NAVD)	AREA (Ac.)	START ELEV. (ft. NAVD)	END ELEV. (ft. NAVD)	AREA (Ac.)	START ELEV. (ft. NAVD)	
3.87	10.50	15.00	6.81	10.50	15.00	0.87	13.00	0.16	8.50	12.50	0.15	8.50	11.86

CONTAINMENT AREA LAND USE – EXISTING CONDITIONS

BERM SLOPE			CONTAINMENT AREA BOTTOM		TANK AREA		DETENTION SLOPE			DETENTION BOTTOM		TOTAL AREA (Ac.)
AREA (Ac.)	START ELEV. (ft. NAVD)	END ELEV. (ft. NAVD)	AREA (Ac.)	START ELEV. (ft. NAVD)	AREA (Ac.)	START ELEV. (ft. NAVD)	AREA (Ac.)	START ELEV. (ft. NAVD)	END ELEV. (ft. NAVD)	AREA (Ac.)	START ELEV. (ft. NAVD)	
1.81	10.00	24.50	1.97	10.00	1.60	9.70	0.14	8.00	11.75	0.12	8.00	5.64

REV	DATE	DESCRIPTION	APPR
7			
6			
5			
4			
3			
2			
1			

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

DESIGNED BY	PDH
DRAWN BY	RCF
CHECKED BY	PL
DATE	9/4/2008
PROJECT ENGINEER	
REG NUMBER	EXP DATE
PROJECT NUMBER	17213
CADD STANDARDS	

BOYLE ENGINEERING
3550 S.W. Corporate Parkway
Palm City, Florida 34990
T 772-286-3883 F 772-286-3925
BPR & FBPE License No's 2005 & LB7622
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FLORIDA POWER & LIGHT COMPANY
CAPE CANAVERAL PLANT

PRE-DEVELOPMENT BASIN MAP

DRAWING 17213 LU PRE-01
SHEET E-1 OF SHEETS

DWG: P:\17213\Permit\SCA\Exh
XREFS: 17212 XREF EXT - AMRO..
J:\17213 LU PRE-01.dwg Layout Name: PRE-01 - Plotted by: Fecko, Ben Date: 12/3/2008 - 2:36 PM
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Exhibit E.2

Pre-Development Land Use / Stage-Storage Calculations

Boyle Engineering Corp.
3550 SW Corporate Pkwy.
Palm City, FL 34990
(772) 286-3883

PRE-DEVELOPMENTLAND USE AND STAGE STORAGE CALULATIONS

FPL Cape Canaveral - General Site

Project Name: FPL Cape Canaveral
Project #: 17213.00
Engineer: PDH
Date: 8/25/2008

Computation Type: Land Use & Stage-Storage

Average Ground Elevation (EL_{grnd}) =	**12.66**	**ft NAVD**	
Control Elevation (CE) =	**-0.24**	**ft NAVD**	Safe-Upland Line per Richard Malloy at the FDEP Bureau of Survey and Mapping
Avg. Depth to Water Table (D_{WT}) =	**12.90**	**ft**	
Weighted Curve Number (CN) =	**92**		**Calculated using United States Department of Agriculture Soil Conservation Service, TR-55. CN Impervious = 98, CN Open Space=80**
Total Time of Concentration =	**10.00**	**minutes**	$T_{c,over} + T_{c,chan}$

General Site	Open Space	Impervious	Building	Retention Slope	Retention Bottom	Total Area
	(ac)	(ac)	(ac)	(ac)	(ac)	(ac)
Total Areas (A_t)	3.87	6.81	0.87	0.16	0.15	11.86
Bldg. %	0.00%	0.00%	100.00%	0.00%	0.00%	7.34%
Bldg. Area (A_r)	0.00	0.00	0.87	0.00	0.00	0.87
Pervious %	100.00%	0.00%	0.00%	100.00%	100.00%	35.24%
Pervious Area (A_p)	3.87	0.00	0.00	0.16	0.15	4.18
Impervious %	0.00%	100.00%	0.00%	0.00%	0.00%	57.42%
Impervious Area (A_i)	0.00	6.81	0.00	0.00	0.00	6.81
SWM %	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
SWM Area (Ac.)	0.00	0.00	0.00	0.00	0.00	0.00

Starting Stage = -0.24
Ending Stage = 15.00
Stage Increment = 0.50

Name	Open Space	Impervious	Building	Retention Slope	Retention Bottom	
Area	3.87	6.81	0.00	0.16	0.15	
Start Elev	10.50	10.50	13.00	8.50	8.50	
End Elev	15.00	15.00		12.50		
Stage Feet NGVD	Linear Storage Ac-ft	Linear Storage Ac-ft	Vert Storage Ac-ft	Linear Storage Ac-ft	Vert Storage Ac-ft	Total Storage Ac-ft
-0.24	0.00	0.00	0.00	0.00	0.00	0.00
8.26	0.00	0.00	0.00	0.00	0.00	0.00
8.76	0.00	0.00	0.00	0.00	0.04	0.04
9.26	0.00	0.00	0.00	0.01	0.11	0.13
9.76	0.00	0.00	0.00	0.03	0.19	0.22
10.26	0.00	0.00	0.00	0.06	0.26	0.33
10.76	0.03	0.05	0.00	0.10	0.34	0.52
11.26	0.25	0.44	0.00	0.15	0.41	1.25
11.76	0.68	1.20	0.00	0.21	0.49	2.59
12.26	1.33	2.34	0.00	0.28	0.56	4.52
12.76	2.20	3.86	0.00	0.36	0.64	7.06
13.26	3.28	5.76	0.00	0.44	0.71	10.20

Boyle Engineering Corp.
3550 SW Corporate Pkwy.
Palm City, FL 34990
(772) 286-3883

Stage-Area Calculations

Execution Date: 8/25/2008
Engineer's Name: PDH
Job No: 17213.00
Project Name: FPL - Cape Canaveral
Basin: Pre-Development General Site

Computation Type Pre-Development Stage-Area

Starting Stage, Control El.	-0.24	
Ending Stage	16.00	
Stage Increment	0.50	Note: Stage Increment < End Elev - Start Elev

Name	Open Space	Impervious	Building	Retention Slope	Retention Bottom	
Area	3.87	6.81	0.00	0.16	0.15	
Start Elev	10.50	10.50	13.00	8.50	8.50	
End Elev	15.00	15.00	0.00	12.50	0.00	
Stage	Linear	Linear	Vert	Linear	Vert	Total
Feet	Area	Area	Area	Area	Area	Area
NGVD	Ac	Ac	Ac	Ac	Ac	Ac
-0.24	0.00	0.00	0.00	0.00	0.00	0.00
8.26	0.00	0.00	0.00	0.00	0.00	0.00
8.76	0.00	0.00	0.00	0.01	0.15	0.16
9.26	0.00	0.00	0.00	0.03	0.15	0.18
9.76	0.00	0.00	0.00	0.05	0.15	0.20
10.26	0.00	0.00	0.00	0.07	0.15	0.22
10.76	0.22	0.39	0.00	0.09	0.15	0.86
11.26	0.65	1.15	0.00	0.11	0.15	2.06
11.76	1.08	1.91	0.00	0.13	0.15	3.27
12.26	1.51	2.66	0.00	0.15	0.15	4.48
12.76	1.94	3.42	0.00	0.16	0.15	5.67
13.26	2.37	4.18	0.00	0.16	0.15	6.86
13.76	2.80	4.93	0.00	0.16	0.15	8.05
14.26	3.23	5.69	0.00	0.16	0.15	9.23
14.76	3.66	6.45	0.00	0.16	0.15	10.42
15.26	3.87	6.81	0.00	0.16	0.15	10.99
15.76	3.87	6.81	0.00	0.16	0.15	10.99

Exhibit E.3

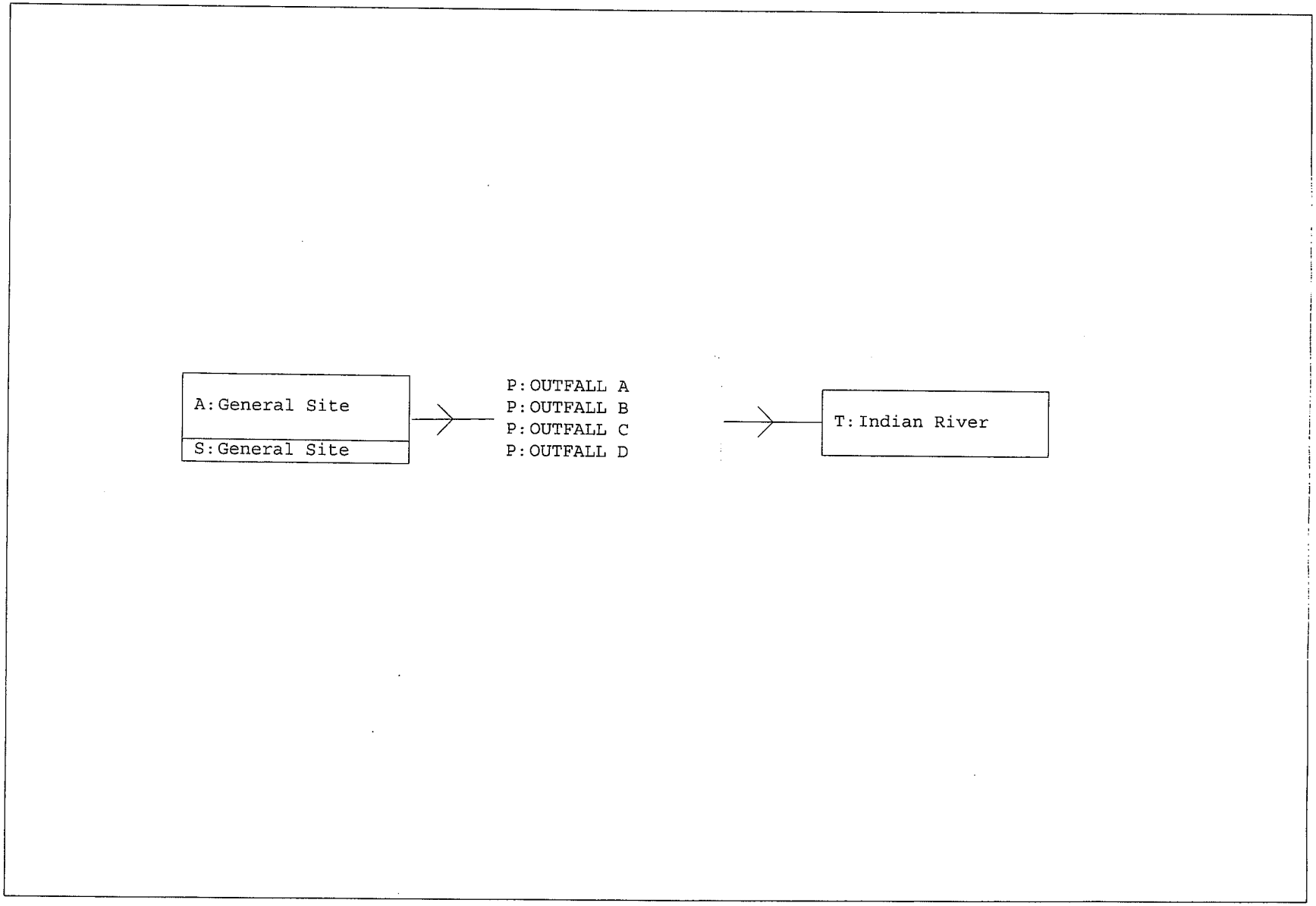
Pre-Development AdICPR Model Input

FPL-CANAVERAL
PRE-DEVELOPMENT MODEL
NODE DIAGRAM

Nodes
A Stage/Area
V Stage/Volume
T Time/Stage
M Manhole

Basins
O Overland Flow
U SCS Unit Hydro
S Santa Barbara

Links
P Pipe
W Weir
C Channel
D Drop Structure
B Bridge
R Rating Curve
H Breach



==========
==== Basins ====
==========

Name: General Site | Node: General Site | Status: Onsite
Group: BASE | Type: Santa Barbara

Rainfall File:	Scsii-24	Storm Duration(hrs):	24.00
Rainfall Amount(in):	9.500	Time of Conc(min):	10.00
Area(ac):	11.860	Time Shift(hrs):	0.00
Curve Number:	92.00	Time Increment(min):	1.00
DCIA(%):	0.00	Max Allowable Q(cfs):	999999.000

==========
==== Nodes ====
==========

Name: General Site | Base Flow(cfs): 0.000 | Init Stage(ft): -0.240
Group: BASE | Warn Stage(ft): 15.000
Type: Stage/Area

Stage(ft)	Area(ac)
-0.240	0.0000
8.260	0.0000
8.760	0.1600
9.260	0.1800
9.760	0.2000
10.260	0.2200
10.760	0.8600
11.260	2.0600
11.760	3.2700
12.260	4.4800
12.760	5.6700
13.260	6.8600
13.760	8.0500
14.260	9.2300
14.760	10.4200
15.260	10.9900
15.760	10.9900

Name: Indian River | Base Flow(cfs): 0.000 | Init Stage(ft): -0.240
Group: BASE | Warn Stage(ft): 15.000
Type: Time/Stage

Time(hrs)	Stage(ft)
0.00	-0.240
999.00	-0.240

==========
==== Pipes ====
==========

Name: OUTFALL A | From Node: General Site | Length(ft): 450.00
Group: BASE | To Node: Indian River | Count: 1
Friction Equation: Average Conveyance
Solution Algorithm: Automatic
Flow: Both
Entrance Loss Coef: 0.50
Exit Loss Coef: 1.00
Bend Loss Coef: 0.00
Outlet Ctrl Spec: Use dc or tw
Inlet Ctrl Spec: Use dn
Stabilizer Option: None

	UPSTREAM	DOWNSTREAM
Geometry:	Circular	Circular
Span(in):	24.00	24.00
Rise(in):	24.00	24.00
Invert(ft):	-2.240	-2.240
Manning's N:	0.012000	0.012000
Top Clip(in):	0.000	0.000
Bot Clip(in):	0.000	0.000

Upstream FHWA Inlet Edge Description:
Circular Concrete: Square edge w/ headwall

Downstream FHWA Inlet Edge Description:
Circular Concrete: Square edge w/ headwall

Name: OUTFALL B | From Node: General Site | Length(ft): 250.00

Group: BASE To Node: Indian River Count: 1
Friction Equation: Average Conveyance
Solution Algorithm: Automatic
Flow: Both
Entrance Loss Coef: 1.00
Exit Loss Coef: 0.50
Bend Loss Coef: 0.00
Outlet Ctrl Spec: Use dc or tw
Inlet Ctrl Spec: Use dn
Stabilizer Option: None

	UPSTREAM	DOWNSTREAM
Geometry:	Circular	Circular
Span(in):	15.00	15.00
Rise(in):	15.00	15.00
Invert(ft):	-1.490	-1.490
Manning's N:	0.012000	0.012000
Top Clip(in):	0.000	0.000
Bot Clip(in):	0.000	0.000

Upstream FHWA Inlet Edge Description:
Circular Concrete: Square edge w/ headwall

Downstream FHWA Inlet Edge Description:
Circular Concrete: Square edge w/ headwall

Name: OUTFALL C From Node: General Site Length(ft): 450.00
Group: BASE To Node: Indian River Count: 1
Friction Equation: Average Conveyance
Solution Algorithm: Automatic
Flow: Both
Entrance Loss Coef: 0.50
Exit Loss Coef: 1.00
Bend Loss Coef: 0.00
Outlet Ctrl Spec: Use dc or tw
Inlet Ctrl Spec: Use dn
Stabilizer Option: None

	UPSTREAM	DOWNSTREAM
Geometry:	Circular	Circular
Span(in):	12.00	12.00
Rise(in):	12.00	12.00
Invert(ft):	1.240	1.240
Manning's N:	0.012000	0.012000
Top Clip(in):	0.000	0.000
Bot Clip(in):	0.000	0.000

Upstream FHWA Inlet Edge Description:
Circular Concrete: Square edge w/ headwall

Downstream FHWA Inlet Edge Description:
Circular Concrete: Square edge w/ headwall

Name: OUTFALL D From Node: General Site Length(ft): 280.00
Group: BASE To Node: Indian River Count: 1
Friction Equation: Average Conveyance
Solution Algorithm: Automatic
Flow: Both
Entrance Loss Coef: 0.50
Exit Loss Coef: 1.00
Bend Loss Coef: 0.00
Outlet Ctrl Spec: Use dc or tw
Inlet Ctrl Spec: Use dn
Stabilizer Option: None

	UPSTREAM	DOWNSTREAM
Geometry:	Circular	Circular
Span(in):	12.00	12.00
Rise(in):	12.00	12.00
Invert(ft):	1.240	1.240
Manning's N:	0.012000	0.012000
Top Clip(in):	0.000	0.000
Bot Clip(in):	0.000	0.000

Upstream FHWA Inlet Edge Description:
Circular Concrete: Square edge w/ headwall

Downstream FHWA Inlet Edge Description:
Circular Concrete: Square edge w/ headwall

==========
==== Hydrology Simulations ====
==========

Name: 25YR1D
Filename: P:\17213\Permit\SCA\SWM\PRE-01\25yr-1day\25Y31.R32

Override Defaults: Yes
Storm Duration(hrs): 24.00
Rainfall File: Scsii-24
Rainfall Amount(in): 9.50

Time(hrs)	Print Inc(min)
24.000	15.00

==========
==== Routing Simulations ====
==========

Name: 25YR1D Hydrology Sim: 25YR1D
Filename: P:\17213\Permit\SCA\SWM\PRE-01\25yr-1day\25Y31.I32

Execute: Yes Restart: No Patch: No
Alternative: No

Max Delta Z(ft): 0.10 Delta Z Factor: 0.00500
Time Step Optimizer: 1.000
Start Time(hrs): 0.000 End Time(hrs): 120.00
Min Calc Time(sec): 0.5000 Max Calc Time(sec): 10.0000
Boundary Stages: TW-25 Boundary Flows:

Time(hrs)	Print Inc(min)
24.000	15.000
120.000	15.000

Group	Run
BASE	Yes

==== Boundary Conditions ====

Name: TW-25 Node: Indian River Type: Stage

Time(hrs)	Stage(ft)
0.000	-0.240
60.000	-0.240
120.000	-0.240
999.000	-0.240

Exhibit E.4

Pre-Development AdICPR Model Output

Basin Name:	General Site
Group Name:	BASE
Node Name:	General Site
Basin Type:	Santa Barbara
Spec Time Inc (min):	1.00
Comp Time Inc (min):	1.00
Rainfall File:	Scsii-24
Rainfall Amount (in):	9.500
Storm Duration (hrs):	24.00
Status:	Onsite
Time of Conc (min):	10.00
Time Shift (hrs):	0.00
Area (ac):	11.860
Curve Number:	92.000
DCIA (%):	0.000
Time Max (hrs):	11.98
Flow Max (cfs):	104.847
Runoff Volume (in):	8.531
Runoff Volume (ft3):	367261.342

FPL-CANAVERAL
PRE-DEVELOPMENT MODEL
NODE MAX

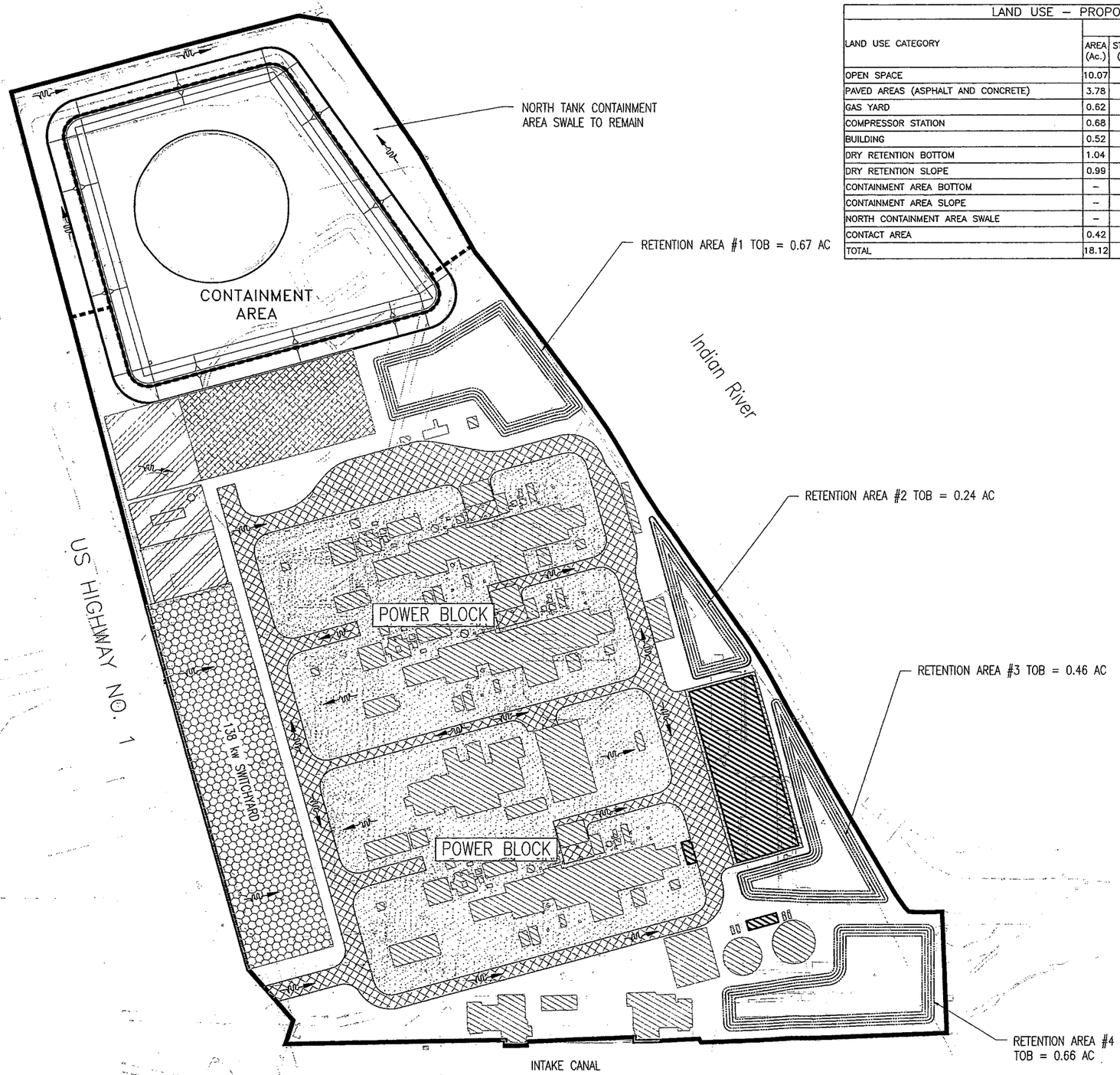
Name	Group	Simulation	Max Time Stage hrs	Max Stage ft	Warning Stage ft	Max Delta Stage ft	Max Surf Area ft2	Max Time Inflow hrs	Max Inflow cfs	Max Time Outflow hrs	Max Outflow cfs
General Site	BASE	25YR1D	12.17	10.856	15.000	-0.0773	47617	12.00	101.950	12.17	58.014
Indian River	BASE	25YR1D	0.00	-0.240	15.000	0.0000	49	12.17	58.014	0.00	0.000

FPL-CANAVERAL
PRE-DEVELOPMENT MODEL
LINK MAX

Name	Group	Simulation	Max Time Flow hrs	Max Flow cfs	Max Delta Q cfs	Max Time US Stage hrs	Max US Stage ft	Max Time DS Stage hrs	Max DS Stage ft
OUTFALL A	BASE	25YR1D	12.17	33.555	0.362	12.17	10.856	0.00	-0.240
OUTFALL B	BASE	25YR1D	12.17	12.914	0.139	12.17	10.856	0.00	-0.240
OUTFALL C	BASE	25YR1D	12.17	5.194	-0.032	12.17	10.856	12.12	2.166
OUTFALL D	BASE	25YR1D	12.17	6.350	-0.036	12.17	10.856	12.12	2.204

Exhibit F.1

Post-Development Basin Map



LAND USE – PROPOSED CONDITIONS

LAND USE CATEGORY	GENERAL SITE			TANK CONTAINMENT AREA		
	AREA (Ac.)	START ELEV. (ft. NAVD)	END ELEV. (ft. NAVD)	AREA (Ac.)	START ELEV. (ft. NAVD)	END ELEV. (ft. NAVD)
OPEN SPACE	10.07	10.0	15.0	–	–	–
PAVED AREAS (ASPHALT AND CONCRETE)	3.78	10.0	15.0	–	–	–
GAS YARD	0.62	14.0	18.0	–	–	–
COMPRESSOR STATION	0.68	11.0	15.0	–	–	–
BUILDING	0.52	11.0	–	–	–	–
DRY RETENTION BOTTOM	1.04	6.0	–	–	–	–
DRY RETENTION SLOPE	0.99	6.0	10.0	–	–	–
CONTAINMENT AREA BOTTOM	–	–	–	3.36	10.0	–
CONTAINMENT AREA SLOPE	–	–	–	0.99	10.0	24.5
NORTH CONTAINMENT AREA SWALE	–	–	–	1.53	5.0	24.0
CONTACT AREA	0.42	–	–	–	–	–
TOTAL	18.12	–	–	4.89	–	–

NORTH

0 80' 160'
Scale: 1" = 80'

LEGEND

- CONCRETE
- BUILDING
- GRAVEL/GRASS
- ASPHALT
- SWITCHYARD
- OPEN SPACE
- GAS YARDS
- COMPRESSOR STATION AREA
- BASIN DIVIDE

REV	DATE	DESCRIPTION	APPR
1	11/21/08	REVISED LAND USE PER UPDATED SITE PLAN FROM FPL	

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

DESIGNED BY PDH
DRAWN BY RCF
CHECKED BY PL
DATE 1/20/2008
PROJECT ENGINEER
REG NUMBER EXP DATE
PROJECT NUMBER 17213
CADD STANDARDS

BOYLE ENGINEERING CORPORATION
3550 S.W. Corporate Parkway
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FLORIDA POWER & LIGHT COMPANY
CAPE CANAVERAL PLANT

POST-DEVELOPMENT BASIN MAP

DRAWING LANDUSE-POST-02
SHEET F-1 OF 1 SHEETS

DWG: P:\1213\Permit\SCA\Exh. -02\LANDUSE-POST-02.dwg Layout Name: POST-02 – Plotted by: Fiske, Ben Date: 12/3/2008 – 2:49 PM
XREFS: AVRGIS Survey Converted Da...08 IMAGES: AERIAL-1.jpg – Aerial-2.jpg – Aerial-LOC.jpg –

Exhibit F.2

Post-Development Land Use / Stage-Storage Calculations

Boyle Engineering Corp.
3550 SW Corporate Pkwy.
Palm City, FL 34990
(772) 286-3883

Post-Development Land Use and Stage-Storage Calculations
FPL - Cape Canaveral General Site

Project Name: FPL Cape Canaveral
Project #: 17213.00
Engineer: BF
Date: 11/20/2008

Computation Type: Land Use & Stage-Storage

Average Ground Elevation (EL_{grnd}) =	**11.16**	**ft NGVD**	
Downstream Control Elevation (CE) =	**-0.24**	**ft NGVD**	Safe-Upland Line / Ordinar High Water elevation per Florida Bureau of Survey and Mapping
Weighted Curve Number (CN) =	**87**		**Calculated using United States Department of Agriculture Soil Conservation Service, TR-55. Weighed average from: CN Impervious/Building = 98, CN Pervious (Open Space)=80**
Required Water Quality Treatment Volume (V_{wq}) =	**2.21**	**ac-ft**	
Water Quality Elevation (EL_{wq}) =	**8.25**	**ft NAVD**	
Total Time of Concentration =	**10.00**	**minutes**	

FPL	Open Space	Paved Area	Building	Gas Yard	Compressor Station Area	Dry Retention (Bottom)	Dry Retention (Slope)	Total Area
	(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ac)
Total Areas (A_t)	10.07	3.78	0.52	0.62	0.68	1.04	0.99	17.70
Bldg. %	0.00%	0.00%	100.00%	0.00%	0.00%	0.00%	0.00%	2.94%
Bldg. Area (A_r)	0.00	0.00	0.52	0.00	0.00	0.00	0.00	0.52
Pervious %	80.00%	0.00%	0.00%	95.00%	25.00%	100.00%	100.00%	61.27%
Pervious Area (A_p)	8.06	0.00	0.00	0.59	0.17	1.04	0.99	10.85
Impervious %	20.00%	100.00%	0.00%	5.00%	75.00%	0.00%	0.00%	35.79%
Impervious Area (A_i)	2.01	3.78	0.00	0.03	0.51	0.00	0.00	6.34
SWM %	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
SWM Area (Ac.)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Contact Area
(ac)
0.42
0.00%
0.00
0.00%
0.00
100.00%
0.42
0.00%
0.00

Starting Stage = 6.00
Ending Stage = 18.00
Stage Increment = 0.50

Name	Open Space	Paved Area	Building	Gas Yard	Compressor Station Area	Dry Retention (Bottom)	Dry Retention (Slope)		
Area	10.07	3.78	0.52	0.62	0.68	1.04	0.99		
Start Elev	10.00	10.00	11.00	14.00	11.00	6.00	6.00		
End Elev	15.00	15.00		18.00	15.00		10.00		
Stage	Linear	Linear	Vert	Linear	Linear	Vert	Linear	Total	Available WQ
Feet	Storage	Storage	Storage	Storage	Storage	Storage	Storage	Storage	Storage
NGVD	Ac-ft	Ac-ft	Ac-ft	Ac-ft	Ac-ft	Ac-ft	Ac-ft	Ac-ft	Ac-ft
6.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6.50	0.00	0.00	0.00	0.00	0.00	0.52	0.03	0.55	0.55
7.00	0.00	0.00	0.00	0.00	0.00	1.04	0.12	1.16	1.16
7.50	0.00	0.00	0.00	0.00	0.00	1.56	0.28	1.84	1.84
8.00	0.00	0.00	0.00	0.00	0.00	2.08	0.50	2.58	2.58
8.50	0.00	0.00	0.00	0.00	0.00	2.60	0.77	3.37	3.37
9.00	0.00	0.00	0.00	0.00	0.00	3.12	1.11	4.23	4.23
9.50	0.00	0.00	0.00	0.00	0.00	3.64	1.52	5.16	5.16
10.00	0.00	0.00	0.00	0.00	0.00	4.16	1.98	6.14	6.14
10.50	0.25	0.09	0.00	0.00	0.00	4.68	2.48	7.50	7.16
11.00	1.01	0.38	0.00	0.00	0.00	5.20	2.97	9.56	8.17
11.50	2.27	0.85	0.26	0.00	0.02	5.72	3.47	12.58	9.19
12.00	4.03	1.51	0.52	0.00	0.09	6.24	3.96	16.35	10.20
12.50	6.29	2.36	0.78	0.00	0.19	6.76	4.46	20.84	11.22
13.00	9.06	3.40	1.04	0.00	0.34	7.28	4.95	26.08	12.23
13.50	12.34	4.63	1.30	0.00	0.53	7.80	5.45	32.04	13.25
14.00	16.11	6.05	1.56	0.00	0.77	8.32	5.94	38.75	14.26
14.50	20.39	7.65	1.82	0.02	1.04	8.84	6.44	46.20	15.28
15.00	25.18	9.45	2.08	0.08	1.36	9.36	6.93	54.43	16.29
15.50	30.21	11.34	2.34	0.17	1.70	9.88	7.43	63.07	17.31
16.00	35.25	13.23	2.60	0.31	2.04	10.40	7.92	71.75	18.32
16.50	40.28	15.12	2.86	0.48	2.38	10.92	8.42	80.46	19.34
17.00	45.32	17.01	3.12	0.70	2.72	11.44	8.91	89.21	20.35
17.50	50.35	18.90	3.38	0.95	3.06	11.96	9.41	98.00	21.37
18.00	55.39	20.79	3.64	1.24	3.40	12.48	9.90	106.84	22.38

Boyle Engineering Corporation
3550 SW Corporate Pkwy.
Palm City, Florida 34990
(772) 286-3883

Stage-Area Calculations
FPL - Cape Canaveral

Project Name: FPL Cape Canaveral
Project #: 17213.00
Engineer: BF
Date: 11/20/2008

Computation Type Post-Development Stage-Area

Starting Stage, Control El. 6.00 **ft-NAVD**
Ending Stage 18.00
Stage Increment 0.50 Note: Stage Increment < End Elev - Start Elev

Name	Open Space	Paved Area	Building	Gas Yard	Compressor Station Area	Dry Retention (Bottom)	Dry Retention (Slope)	
Area	10.07	3.78	0.52	0.62	0.68	1.04	0.99	
Start Elev	10.00	10.00	11.00	14.00	11.00	6.00	6.00	
End Elev	15.00	15.00		18.00	15.00		10.00	
Stage	Linear	Linear	Vert	Linear	Linear	Vert	Linear	Total
Feet	Area	Area	Area	Area	Area	Area	Area	Area
NGVD	Ac	Ac	Ac	Ac	Ac	Ac	Ac	
6.00	0.00	0.00	0.00	0.00	0.00	1.04	0.00	1.04
6.50	0.00	0.00	0.00	0.00	0.00	1.04	0.12	1.16
7.00	0.00	0.00	0.00	0.00	0.00	1.04	0.25	1.29
7.50	0.00	0.00	0.00	0.00	0.00	1.04	0.37	1.41
8.00	0.00	0.00	0.00	0.00	0.00	1.04	0.50	1.54
8.50	0.00	0.00	0.00	0.00	0.00	1.04	0.62	1.66
9.00	0.00	0.00	0.00	0.00	0.00	1.04	0.74	1.78
9.50	0.00	0.00	0.00	0.00	0.00	1.04	0.87	1.91
10.00	0.00	0.00	0.00	0.00	0.00	1.04	0.99	2.03
10.50	1.01	0.38	0.00	0.00	0.00	1.04	0.99	3.42
11.00	2.01	0.76	0.52	0.00	0.00	1.04	0.99	5.32
11.50	3.02	1.13	0.52	0.00	0.09	1.04	0.99	6.79
12.00	4.03	1.51	0.52	0.00	0.17	1.04	0.99	8.26
12.50	5.04	1.89	0.52	0.00	0.26	1.04	0.99	9.73
13.00	6.04	2.27	0.52	0.00	0.34	1.04	0.99	11.20
13.50	7.05	2.65	0.52	0.00	0.43	1.04	0.99	12.67
14.00	8.06	3.02	0.52	0.00	0.51	1.04	0.99	14.14
14.50	9.06	3.40	0.52	0.08	0.60	1.04	0.99	15.69
15.00	10.07	3.78	0.52	0.16	0.68	1.04	0.99	17.24
15.50	10.07	3.78	0.52	0.23	0.68	1.04	0.99	17.31
16.00	10.07	3.78	0.52	0.31	0.68	1.04	0.99	17.39
16.50	10.07	3.78	0.52	0.39	0.68	1.04	0.99	17.47
17.00	10.07	3.78	0.52	0.47	0.68	1.04	0.99	17.55
17.50	10.07	3.78	0.52	0.54	0.68	1.04	0.99	17.62
18.00	10.07	3.78	0.52	0.62	0.68	1.04	0.99	17.70

Exhibit F.3

Post-Development Water Quality Calculations

Boyle Engineering Corporation
3550 SW Corporate Pkwy.
Palm City, Florida 34990
(772) 286-3883

Water Quality Calculations
FPL - Cape Canaveral

Project Name: FPL Cape Canaveral
Project #: 17213.00
Engineer: BF
Date: 11/20/2008

Computation Type WQ Calculations

Discharge to Outstanding Florida Water (OFW)?	Yes		
Water Quality (WQ) Treatment Method	Dry Retention		
Total Area (A_t) =	17.70	ac	
Total Area for WQ (A_{wq})=	17.70	ac	sum of all basins to be treated in this basin
Total SWM area @CE (A_{swm}) =	0.00	ac	sum of lake and ditch areas at CE
Total Pervious Area (A_p) =	10.85	ac	sum of all pervious areas
Total Developed Area (A_{dev}) =	17.70	ac	total area less areas left in natural, undisturbed state.
Impervious Area for WQ	6.86	ac	Awq - Aswm - Ap
% Impervious	38.73%		Awq

Water Quality Volume:

0.5" over the site + (add'l 0.5" over the site) =	1.48	ac-ft	(per SJRWMD criteria for On-Line Retention)
(1.25" x % Impervious Area) + (add'l 0.5" over the site) =	1.45	ac-ft	(per SJRWMD criteria for On-Line Retention)

OFW WQ Volume (if applicable; SJRWMD requirement):

Prop'd Dry Retention Volume w/ OFW =	2.21	ac-ft	(150% of Req'd SJRWMD Dry Retention per OFW Requirements)

Governing Volume:

Prop'd Dry Retention Volume =	2.21	ac-ft	(SJRWMD OFW Dry Retention WQ Treatement Requirement)

Design Elevations:

Req'd Water Quality Volume Elev. (El_{wq}) =	8.25	ft NAVD	

Exhibit F.4

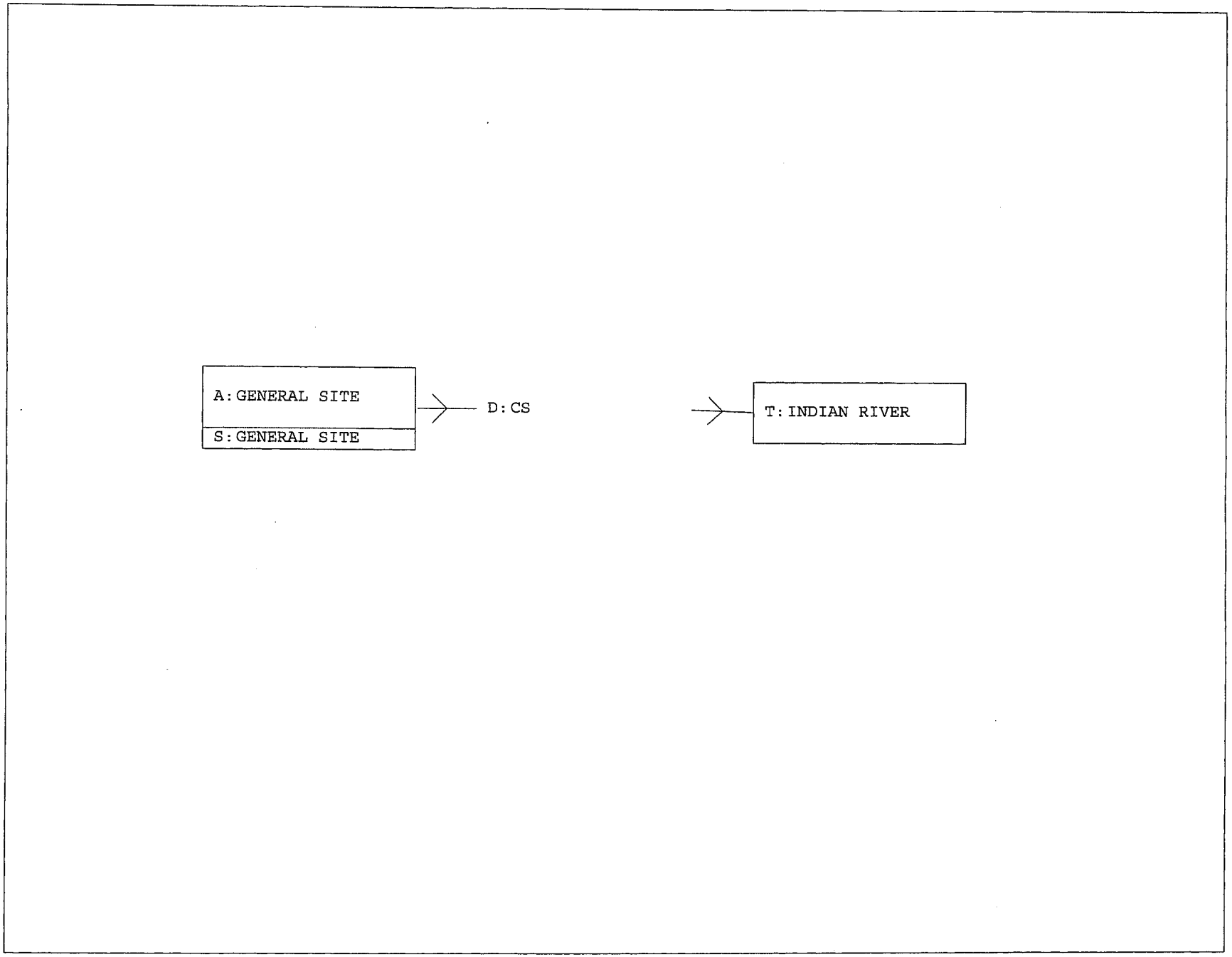
Post-Development AdICPR Model Input

FPL-CAPE CANAVERAL
POST-DEVELOPMENT MODEL
NODAL DIAGRAM

Nodes
A Stage/Area
V Stage/Volume
T Time/Stage
M Manhole

Basins
O Overland Flow
U SCS Unit CN
S SBUH CN
Y SCS Unit GA
Z SBUH GA

Links
P Pipe
W Weir
C Channel
D Drop Structure
B Bridge
R Rating Curve
H Breach
E Percolation
F Filter
X Exfil Trench



FPL-CAPE CANAVERAL
POST-DEVELOPMENT MODEL
INPUT REPORT

Basins

Name: GENERAL SITE | Node: GENERAL SITE | Status: Onsite
Group: BASE | Type: Santa Barbara CN

Rainfall File: Scsii-24 | Storm Duration(hrs): 24.00
Rainfall Amount(in): 9.500 | Time of Conc(min): 10.00
Area(ac): 17.700 | Time Shift(hrs): 0.00
Curve Number: 87.00 | Time Increment(min): 1.00
DCIA(%): 0.00 | Max Allowable Q(cfs): 999999.000

Nodes

Name: GENERAL SITE | Base Flow(cfs): 0.000 | Init Stage(ft): 6.500
Group: BASE | Warn Stage(ft): 15.000
Type: Stage/Area

Stage(ft)	Area(ac)
6.000	1.0400
6.500	1.1600
7.000	1.2900
7.500	1.4100
8.000	1.5400
8.500	1.6600
9.000	1.7800
9.500	1.9100
10.000	2.0300
10.500	3.4200
11.000	5.3200
11.500	6.7900
12.000	8.2600
12.500	9.7300
13.000	11.2000
13.500	12.6700
14.000	14.1400
14.500	15.6900
15.000	17.2400
15.500	17.3100
16.000	17.3900
16.500	17.4700
17.000	17.5500
17.500	17.6200
18.000	17.7000

Name: INDIAN RIVER | Base Flow(cfs): 0.000 | Init Stage(ft): -0.240
Group: BASE | Warn Stage(ft): -0.240
Type: Time/Stage

Time(hrs)	Stage(ft)
0.00	-0.240
999.00	-0.240

Drop Structures

Name: CS | From Node: GENERAL SITE | Length(ft): 70.00
Group: BASE | To Node: INDIAN RIVER | Count: 2

	UPSTREAM	DOWNSTREAM
Geometry:	Circular	Circular
Span(in):	24.00	24.00
Rise(in):	24.00	24.00
Invert(ft):	-2.240	-2.240
Manning's N:	0.012000	0.012000
Top Clip(in):	0.000	0.000
Bot Clip(in):	0.000	0.000

Friction Equation: Average Conveyance
Solution Algorithm: Automatic
Flow: Both
Entrance Loss Coef: 0.500
Exit Loss Coef: 1.000
Outlet Ctrl Spec: Use dc or tw
Inlet Ctrl Spec: Use dn
Solution Incs: 10

Upstream FHWA Inlet Edge Description:
Circular Concrete: Square edge w/ headwall

Downstream FHWA Inlet Edge Description:
Circular Concrete: Square edge w/ headwall

*** Weir 1 of 1 for Drop Structure CS ***

TABLE

Count:	2	Bottom Clip(in):	0.000
Type:	Vertical: Mavis	Top Clip(in):	0.000
Flow:	Both	Weir Disc Coef:	3.130
Geometry:	Rectangular	Orifice Disc Coef:	0.600
Span(in):	36.00	Invert(ft):	7.800
Rise(in):	9999.00	Control Elev(ft):	7.800

==== Hydrology Simulations ====

Name: 10YR1D
Filename: P:\17213\Permit\SCA\SWM\POST-02\10YR-1D\10YR1D.R32

Override Defaults: Yes
Storm Duration(hrs): 24.00
Rainfall File: Scsii-24
Rainfall Amount(in): 7.50

Time(hrs)	Print Inc(min)
24.000	15.00

Name: 25YR1D
Filename: P:\17213\Permit\SCA\SWM\POST-02\25YR-1D\25YR1D.R32

Override Defaults: No

Time(hrs)	Print Inc(min)
24.000	15.00

==== Routing Simulations ====

Name: 10YR1D Hydrology Sim: 10YR1D
Filename: P:\17213\Permit\SCA\SWM\POST-02\10YR-1D\10YR1D.I32

Execute: Yes Restart: No Patch: No
Alternative: No

Max Delta Z(ft): 1.00 Delta Z Factor: 0.00500
Time Step Optimizer: 10.000
Start Time(hrs): 0.000 End Time(hrs): 120.00
Min Calc Time(sec): 0.5000 Max Calc Time(sec): 60.0000
Boundary Stages: Boundary Flows:

Time(hrs)	Print Inc(min)
120.000	15.000

Group	Run
BASE	Yes

Name: 25YR1D Hydrology Sim: 25YR1D
Filename: P:\17213\Permit\SCA\SWM\POST-02\25YR-1D\25YR1D.I32

Execute: Yes Restart: No Patch: No
Alternative: No

Max Delta Z(ft): 1.00 Delta Z Factor: 0.00500
Time Step Optimizer: 10.000
Start Time(hrs): 0.000 End Time(hrs): 120.00
Min Calc Time(sec): 0.5000 Max Calc Time(sec): 60.0000
Boundary Stages: Boundary Flows:

Time(hrs)	Print Inc(min)
120.000	15.000

Group	Run

BASE	Yes

Exhibit F.5

Post-Development AdICPR Model Output

FPL-CAPE CANAVERAL
POST-DEVELOPMENT MODEL
BASIN SUMMARY

```
            Basin Name: GENERAL SITE
            Group Name: BASE
             Node Name: GENERAL SITE
            Basin Type: Santa Barbara

   Spec Time Inc (min): 1.00
   Comp Time Inc (min): 1.00
         Rainfall File: Scsii-24
  Rainfall Amount (in): 7.500
  Storm Duration (hrs): 24.00
                Status: Onsite
    Time of Conc (min): 10.00
      Time Shift (hrs): 0.00
             Area (ac): 17.700
         Curve Number: 87.000
             DCIA (%): 0.000

       Time Max (hrs): 11.98
       Flow Max (cfs): 115.479
    Runoff Volume (in): 5.964
   Runoff Volume (ft3): 383172.075
```

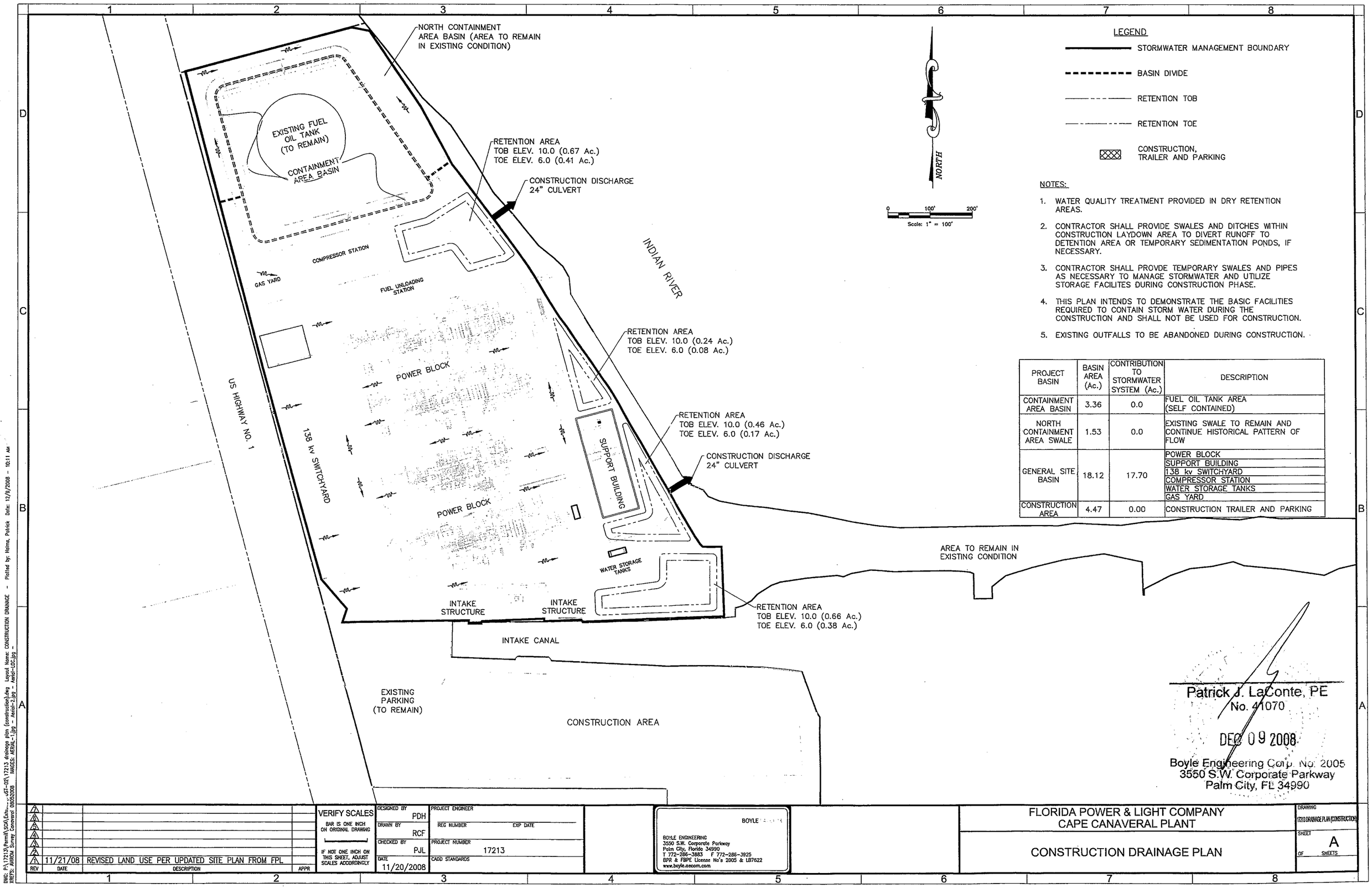
```
            Basin Name: GENERAL SITE
            Group Name: BASE
             Node Name: GENERAL SITE
            Basin Type: Santa Barbara

   Spec Time Inc (min): 1.00
   Comp Time Inc (min): 1.00
         Rainfall File: Scsii-24
  Rainfall Amount (in): 9.500
  Storm Duration (hrs): 24.00
                Status: Onsite
    Time of Conc (min): 10.00
      Time Shift (hrs): 0.00
             Area (ac): 17.700
         Curve Number: 87.000
             DCIA (%): 0.000

       Time Max (hrs): 11.98
       Flow Max (cfs): 150.624
    Runoff Volume (in): 7.916
   Runoff Volume (ft3): 508588.960
```

FPL-CAPE CANAVERAL
POST-DEVELOPMENT MODEL
NODE MIN/MAX REPORT

Name	Group	Simulation	Max Time Stage hrs	Max Stage ft	Warning Stage ft	Max Delta Stage ft	Max Surf Area ft2	Max Time Inflow hrs	Max Inflow cfs	Max Time Outflow hrs	Max Outflow cfs
GENERAL SITE	BASE	10YR1D	12.32	9.343	15.000	0.0050	81421	12.00	112.354	12.32	35.994
INDIAN RIVER	BASE	10YR1D	0.00	-0.240	-0.240	0.0000	0	12.32	35.994	0.00	0.000
GENERAL SITE	BASE	25YR1D	12.25	9.874	15.000	0.0050	87110	12.00	146.442	12.25	56.095
INDIAN RIVER	BASE	25YR1D	0.00	-0.240	-0.240	0.0000	0	12.25	56.095	0.00	0.000

FPL-CAPE CANAVERAL
POST-DEVELOPMENT MODEL
LINK MIN/MAX REPORT

Name	Group	Simulation	Max Time Flow hrs	Max Flow cfs	Max Delta Q cfs	Max Time US Stage hrs	Max US Stage ft	Max Time DS Stage hrs	Max DS Stage ft
CS	BASE	10YR1D	12.32	35.994	-0.150	12.32	9.343	0.00	-0.240
CS	BASE	25YR1D	12.25	56.095	-0.197	12.25	9.874	0.00	-0.240



LEGEND

- STORMWATER MANAGEMENT BOUNDARY
- BASIN DIVIDE
- RETENTION TOB
- RETENTION TOE
- CONSTRUCTION, TRAILER AND PARKING

NOTES:

1. WATER QUALITY TREATMENT PROVIDED IN DRY RETENTION AREAS.
2. CONTRACTOR SHALL PROVIDE SWALES AND DITCHES WITHIN CONSTRUCTION LAYDOWN AREA TO DIVERT RUNOFF TO DETENTION AREA OR TEMPORARY SEDIMENTATION PONDS, IF NECESSARY.
3. CONTRACTOR SHALL PROVDE TEMPORARY SWALES AND PIPES AS NECESSARY TO MANAGE STORMWATER AND UTILIZE STORAGE FACILITES DURING CONSTRUCTION PHASE.
4. THIS PLAN INTENDS TO DEMONSTRATE THE BASIC FACILITIES REQUIRED TO CONTAIN STORM WATER DURING THE CONSTRUCTION AND SHALL NOT BE USED FOR CONSTRUCTION.
5. EXISTING OUTFALLS TO BE ABANDONED DURING CONSTRUCTION.

PROJECT BASIN	BASIN AREA (Ac.)	CONTRIBUTION TO STORMWATER SYSTEM (Ac.)	DESCRIPTION
CONTAINMENT AREA BASIN	3.36	0.0	FUEL OIL TANK AREA (SELF CONTAINED)
NORTH CONTAINMENT AREA SWALE	1.53	0.0	EXISTING SWALE TO REMAIN AND CONTINUE HISTORICAL PATTERN OF FLOW
GENERAL SITE BASIN	18.12	17.70	POWER BLOCK
			SUPPORT BUILDING
			138 kv SWITCHYARD
			COMPRESSOR STATION
			WATER STORAGE TANKS
			GAS YARD
CONSTRUCTION AREA	4.47	0.00	CONSTRUCTION TRAILER AND PARKING

Patrick J. LaConte, PE
No. 41070
DEC 09 2008
Boyle Engineering Corp. No. 2005
3550 S.W. Corporate Parkway
Palm City, FL 34990

REV	DATE	DESCRIPTION	APPR
7			
6			
5			
4			
3			
2			
1	11/21/08	REVISED LAND USE PER UPDATED SITE PLAN FROM FPL	

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

DESIGNED BY PDH
DRAWN BY RCF
CHECKED BY PJL
DATE 11/20/2008
PROJECT ENGINEER
REG NUMBER EXP DATE
PROJECT NUMBER 17213
CADD STANDARDS

BOYLE ENGINEERING
3550 S.W. Corporate Parkway
Palm City, Florida 34990
T 772-286-3883 F 772-286-3925
BPR & FBPE License No's 2005 & LB7622
www.boyle.aecom.com

FLORIDA POWER & LIGHT COMPANY
CAPE CANAVERAL PLANT

CONSTRUCTION DRAINAGE PLAN

DRAWING 17213 DRAINAGE PLAN (CONSTRUCTION)
SHEET A OF SHEETS

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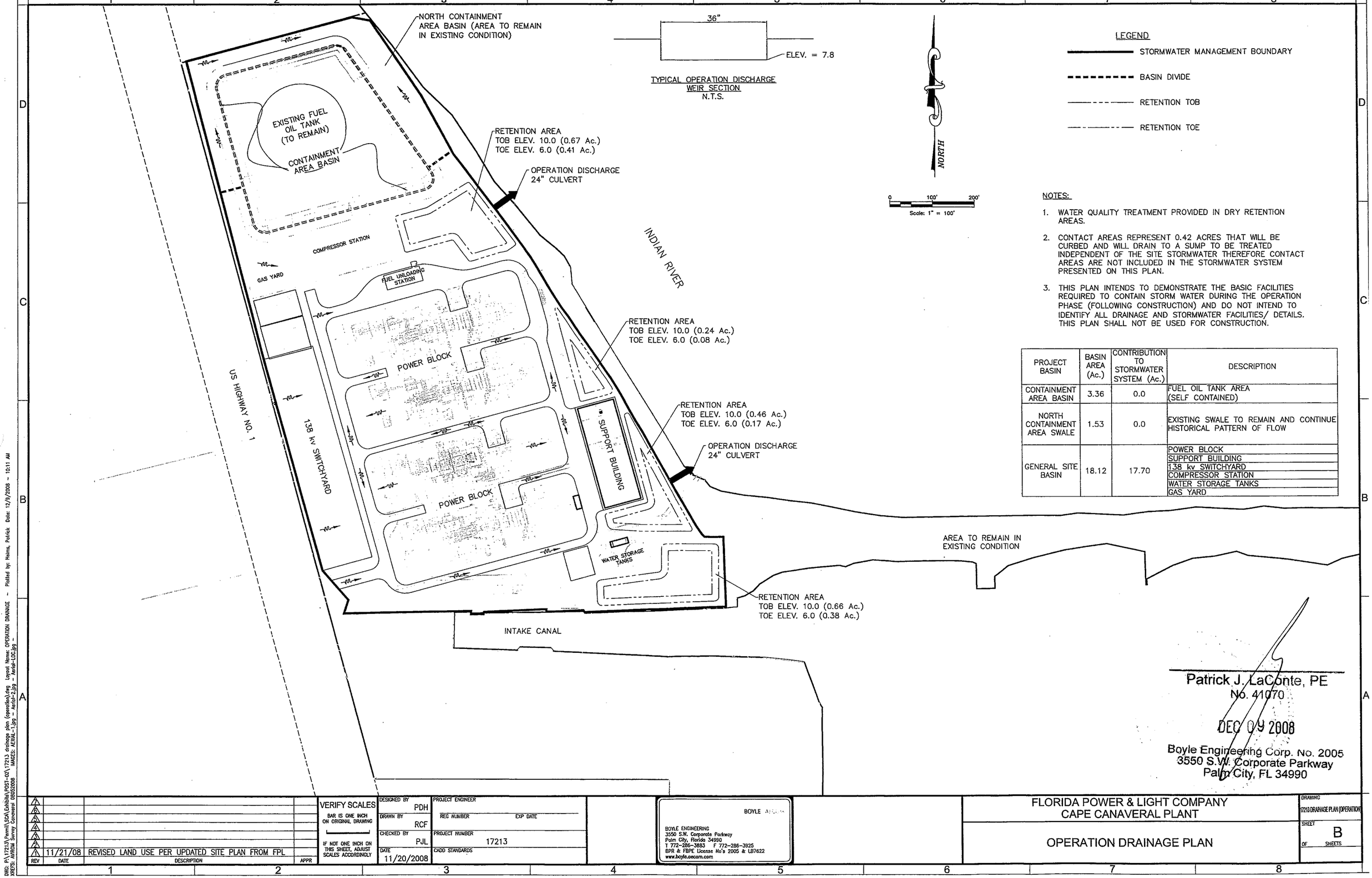

LEGEND

- STORMWATER MANAGEMENT BOUNDARY
- BASIN DIVIDE
- RETENTION TOB
- RETENTION TOE

NOTES:

1. WATER QUALITY TREATMENT PROVIDED IN DRY RETENTION AREAS.
2. CONTACT AREAS REPRESENT 0.42 ACRES THAT WILL BE CURBED AND WILL DRAIN TO A SUMP TO BE TREATED INDEPENDENT OF THE SITE STORMWATER THEREFORE CONTACT AREAS ARE NOT INCLUDED IN THE STORMWATER SYSTEM PRESENTED ON THIS PLAN.
3. THIS PLAN INTENDS TO DEMONSTRATE THE BASIC FACILITIES REQUIRED TO CONTAIN STORM WATER DURING THE OPERATION PHASE (FOLLOWING CONSTRUCTION) AND DO NOT INTEND TO IDENTIFY ALL DRAINAGE AND STORMWATER FACILITIES/ DETAILS. THIS PLAN SHALL NOT BE USED FOR CONSTRUCTION.

PROJECT BASIN	BASIN AREA (Ac.)	CONTRIBUTION TO STORMWATER SYSTEM (Ac.)	DESCRIPTION
CONTAINMENT AREA BASIN	3.36	0.0	FUEL OIL TANK AREA (SELF CONTAINED)
NORTH CONTAINMENT AREA SWALE	1.53	0.0	EXISTING SWALE TO REMAIN AND CONTINUE HISTORICAL PATTERN OF FLOW
GENERAL SITE BASIN	18.12	17.70	POWER BLOCK
			SUPPORT BUILDING
			138 kv SWITCHYARD
			COMPRESSOR STATION
			WATER STORAGE TANKS
			GAS YARD

Patrick J. LaConte, PE
No. 41070
DEC 09 2008
Boyle Engineering Corp. No. 2005
3550 S.W. Corporate Parkway
Palm City, FL 34990

REV	DATE	DESCRIPTION	APPR
1	11/21/08	REVISED LAND USE PER UPDATED SITE PLAN FROM FPL	

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

DESIGNED BY: PDH
DRAWN BY: RCF
CHECKED BY: PJL
DATE: 11/20/2008
PROJECT ENGINEER
REG NUMBER EXP DATE
PROJECT NUMBER: 17213
CADD STANDARDS

BOYLE ENGINEERING
3550 S.W. Corporate Parkway
Palm City, Florida 34990
T 772-286-3883 F 772-286-3925
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FLORIDA POWER & LIGHT COMPANY
CAPE CANAVERAL PLANT

OPERATION DRAINAGE PLAN

DRAWING: 17213 DRAINAGE PLAN (OPERATION)
SHEET: B OF SHEETS

P:\17213\Permit\SCA\Exhibits\POST-02\17213 drainage plan (operation).dwg, OPERATION DRAINAGE, 12/9/2008 10:11 AM, HelmsP, LBFH Inc.
DWG: P:\17213\Permit\SCA\Exhibits\POST-02\17213 drainage plan (operation).dwg Layout Names: OPERATION DRAINAGE - Plotted by: Helms, Patrick Date: 12/9/2008 - 10:11 AM
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APPENDIX 10.5

LAND USE PLAN DESCRIPTIONS

FUTURE LAND USE ELEMENT

CHAPTER 11

TABLE OF CONTENTS

PREFACE ..... **I**

ADMINISTRATIVE POLICIES ..... **II**

GOAL, OBJECTIVES AND POLICIES **1**

RESIDENTIAL LAND USES 1
COMMERCIAL LAND USES 8
LOW INTENSITY INSTITUTIONAL USES 23
HIGH INTENSITY INSTITUTIONAL USES 23
INDUSTRIAL LAND USES 23
AGRICULTURAL LAND USES 33
CONSERVATION LAND USES 34
PUBLIC FACILITIES LAND USES 36
RECREATION LAND USES 37
DEVELOPMENTS OF REGIONAL IMPACT (DRIs) 37
NEW TOWN OVERLAY 41
TRANSFER OF DEVELOPMENT RIGHTS (TDRs) 44
REDEVELOPMENT & REGENTRIFICATION 45
SERVICE DELIVERY, CONCURRENCY AND GROWTH 52
CONSISTENCY WITH COMPREHENSIVE PLAN, ZONING AND LAND DEVELOPMENT REGULATIONS 59

DIRECTIVES **62**

APPENDIX A **65**

LIST OF MAPS 65
LIST OF FIGURES 66

PREFACE

Future Land Use Map Designations

The following Future Land Use designations shall be adopted as part of the Future Land Use Map:

Residential

Residential 30 (up to 30 dwelling units per acre)
Residential 15 (up to 15 dwelling units per acre)
Residential 10 (up to 10 dwelling units per acre)
Residential 6 (up to 6 dwelling units per acre)
Residential 4 (up to 4 dwelling units per acre)
Residential 2 (up to 2 dwelling units per acre)
Residential 1 (up to 1 dwelling unit per acre)
Residential 1:2.5 (up to 1 dwelling unit per 2.5 acres)

Commercial

Neighborhood Commercial (NC)
Community Commercial (CC)

Industrial

Heavy/Light Industrial
Planned Industrial

Agricultural

Conservation

Public Conservation
Private Conservation

Public Facilities

Recreation

Developments of Regional Impact

ADMINISTRATIVE POLICIES

Administrative Policy 1

The Brevard County zoning official, planners and the director of the planning and zoning staff, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan appeals, vested rights or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.

B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.

C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.

D. For re-zoning applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foresee ably be affected by the proposed use;

B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

2. actual development over the immediately preceding three years; and

3. development approved within the past three years but not yet constructed.

D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

Criteria:

A. Whether adopted levels of service will be compromised;

B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;

D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;

E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;

F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;

G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with (a) all written land development policies set forth in these administrative policies; and (b) the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any (a) substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits and vested rights determinations.

GOAL, OBJECTIVES AND POLICIES

GOAL

TO MANAGE GROWTH IN BREVARD COUNTY IN A MANNER THAT ENHANCES NATURAL AND MAN-MADE SYSTEMS AND MEETS THE PUBLIC'S SOCIAL AND ECONOMIC NEEDS.

RESIDENTIAL LAND USES

Objective 1

Brevard County shall facilitate the development of residential neighborhoods that offer the highest quality of life to the citizenry through the implementation of policies that accomplish the following:

Criteria:

A. Ensure the compatibility of new development with its surroundings;

B Ensure the delivery of services that meet or exceed established levels of service;

C. Discourage the occurrence of inefficiencies inherent in urban sprawl as defined by Florida Statutes;

D. Strive to decrease identified hurricane evacuation deficiencies;

E. Produce neighborhoods that complement adjacent land uses;

F. Permit mixed use developments which, through the application of appropriate performance standards, juxtaposes neighborhood services and employment centers with residential uses in order to promote efficient use of land; and

G. Encourage open space within residential developments and promote interconnectivity with surrounding land uses through innovative land regulations and bonus incentives.

Residential Land Use Designations

Policy 1.1

The residential land use designations adopted as part of the Future Land Use Map represent maximum density thresholds. Approved densities may be lower than the maximum allowed by a residential land use designation as a result of one or more of the following:

Criteria:

A. Environmental constraints identified in applicable objectives and policies of the Conservation Element which impose more stringent density guidelines;

B. Land use compatibility pursuant to Administrative Policy 3;

C. Unavailability or inadequacy of public facilities and services, including educational facilities, to accommodate adopted density allowances, as set forth in Policy 1.2 and the policies found in the 'Service Delivery, Concurrency and Growth' section of this Element as well as related objectives and policies in the Capital Improvements Element;

D. Character of the general area, pursuant to Administrative Policy 4;

E. Hurricane evacuation capabilities; and

F. Policies established in specialized plans as may be adopted by the Board of County Commissioners.

Public Facilities and Services Requirements
Policy 1.2

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

Criteria:

A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.

B. Fire and police protection and emergency medical services to serve the needs of associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth' section of this Future Land Use Element.

C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.

F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

Residential 30 (maximum of 30 dwelling units per acre)
Policy 1.3

The Residential 30 land use designation affords the highest density allowance, permitting a maximum density of up to thirty (30) units per acre, except as otherwise may be provided for within this element. Parameters for this future land use designation include:

Criteria:

A. The Residential 30 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan.

1. Areas located east of Interstate-95; and

2. Unincorporated enclaves located within or adjacent to incorporated areas which permit similar or greater density allowance; or

3. Areas adjacent to existing Residential 30 land use designation; and

4. Areas with direct access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

B. In the Merritt Island Redevelopment Area, Brevard County should encourage high density development in clustered patterns that maximize the provision of open space to avoid the impacts of "strip" or "checkerboard" land use patterns and to assist in the development of an urban atmosphere. The Residential 30 land use designation may permit development in excess of 30 units per acre, provided that one of the following applies:

1. Residential density of up to 37.5 dwelling units per acre, may be considered if approved as part of a redevelopment plan; or

2. Developments which are tied to a binding development plan and propose a mixture of residential and commercial uses may permit the residential portion of the project with density of up to 50 dwelling units per acre.

C. A 25% density bonus to permit up to 37.5 dwelling units per acre may be considered, except in the Coastal High Hazard Area, where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the Coastal High Hazard Area (CHHA).

Residential 15 (maximum of 15 units per acre)
Policy 1.4

The Residential 15 land use designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within this element. The Residential 15 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and

B. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;

C. Areas adjacent to an existing Residential 15 land use designation; and

D. Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

E. A 25% density bonus to permit up to 18.75 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses**.** This density bonus shall not be utilized for properties within the Coastal High Hazard Area (CHHA).

Residential 10 (maximum of 10 dwelling units per acre)
Policy 1.5

The Residential 10 land use designation affords a transition in density between the highly urbanized areas and lower intensity residential uses. This land use designation permits a maximum density of up to ten (10) units per acre, except as otherwise may be provided for within this element. The Residential land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

A. Areas adjacent to existing Residential 10 or higher land use designations; or

B. Areas which serve as a transition between existing land uses or land use designations with density greater than ten (10) units per acre and areas with density of less than ten (10) units per acre; or

C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 10; and

D. Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

E. A 25% density bonus to permit up to 12.5 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the Coastal High Hazard Area (CHHA).

Residential 6 (maximum of 6 dwelling units per acre)
Policy 1.6

The Residential 6 land use designation affords a transition in density between the higher urbanized areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre, except as otherwise may be provided for within this element. The Residential 6 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

A. Areas adjacent to existing Residential 6 land use designation; or

B. Areas which serve as a transition between existing land uses or land use designations with density greater than six (6) units per acre and areas with density of less than six (6) units per acre; or

C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 6.

D. A 25% density bonus to permit up to 7.5 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

Residential 4 (maximum of 4 dwelling units per acre)
Policy 1.7

The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four

(4) units per acre, except as otherwise may be provided for within this element. The Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

A. Areas adjacent to existing Residential 4 land use designation; or

B. Areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or

C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

D. A 25% density bonus to permit up to five (5) units per acre may be considered with a Planned Unit Development, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

Residential 2 (maximum of 2 units per acre)
Policy 1.8

The Residential 2 land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within this element. The Residential 2 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

A. Areas adjacent to existing Residential 2 land use designation; or

B. Areas which serve as a transition between existing land uses or land use designations with density greater than two (2) units per acre and areas with density of less than two (2) units per acre; or

C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 2.

D. A 25% density bonus to permit up to 2.5 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

Residential 1 (maximum of 1 unit per acre)
Policy 1.9

The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within this element. The Residential 1 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

A. Areas adjacent to existing Residential 1 land use designation; or

B. Areas which serve as a transition between existing land uses or land use designations with density greater than one (1) unit per acre and areas with lesser density; or

C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1.

D. A 25% density bonus to permit up to 1.25 dwelling units per acre may be considered with a Planned Unit Development, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized by properties within the CHHA.

Residential 1:2.5 (maximum of 1 unit per 2.5 acres)
Policy 1.10

The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within this element. Development in the Residential 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. The Residential 1:2.5 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

A. Areas adjacent to existing Residential 1:2.5 land use designation; or

B. Areas which serve as a transition between existing land uses or land use designations with density greater than 1:2.5 units per acre and areas with lesser density or lower intensity uses; or

C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1:2.5.

Density in Coastal High Hazard Areas
Policy 1.11

The construction of additional infrastructure intended to remedy existing deficiencies, such as any new bridges or improvements to existing causeways over the Indian River Lagoon, shall not serve as a basis for increasing residential densities nor allowing residential density bonuses within the Coastal High Hazard Area above those programmed on the Future Land Use Map.

Protection of Residential Riverside Lands
Policy 1.12

Brevard County shall identify lineal land use patterns which parallel the U.S. 1 corridor and the Indian River in order to promote the protection of residential designated lands lying easterly of U.S. 1 and to discourage the expansion and encroachment of non-residential designated lands into such lineal residential areas. These lineal land use patterns shall generally be identified in, but not limited to, the following areas of Brevard County:

1) Generally from the southern Titusville city limits (Section 26 Township 22 Range 35) to SR 528 (Section 8 Township 24 Range 36).

2) Generally from south of Gus Hipp Boulevard (Section 23 Township 25 Range 36) to Pineda Causeway (Section 19 Township 26 Range 37).

3) Generally south of the southern Malabar city limits (Section 17 Township 29 Range 38) to the south Brevard County line (Section 23 Township 30 Range 38).

Promotion of Linear Parks in Residential Subdivisions
Policy 1.13

Brevard County shall prepare and implement development incentives to encourage the inclusion of linear parks which promote the integration of open space within residential subdivisions and interconnectivity with adjacent development.

COMMERCIAL LAND USES

Objective 2

Brevard County shall provide for adequate and appropriate lands for the location of commercial land uses, through the Land Development Regulations, to serve the needs of the projected residents and visitors to the County. Brevard County shall direct new commercial land use designations to areas which are determined to be appropriate based upon a suitability analysis, character of the area, compatibility with surrounding land uses, and public facilities and services. These uses shall be directed to sites where there are sufficient uplands for the intended use and for all other measures to ensure wetland function. During the review of proposed amendments to the Future Land Use Map, which would allow commercial uses, Brevard County shall ensure that the site is suitable for the proposed use with regard to environmental features. The proposed designation shall be consistent with the following suitability criteria:

Criteria:

A. Floodplain policies contained within Conservation Objective 4;

B. Aquifer protection policies contained within Conservation Objective 11;

C. Types, values, conditions, functions, and locations of wetlands, and wetlands protection policies contained in Conservation Objective 5.

Role of the Comprehensive Plan in the Designation of Commercial Lands
Policy 2.1

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

Criteria:

A. Overall accessibility to the site;

B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

C. Existing commercial development trend in the area;

D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

E. Availability of required infrastructure at/above adopted levels of service;

F. Spacing from other commercial activities;

G. Size of proposed commercial designation compared with current need for commercial lands;

H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems;

I. Integration of open space; and

J. Impacts upon strip commercial development.

Role of Zoning Regulations in the Designation of Commercial Lands
Policy 2.2

The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

A. Permitted/prohibited uses;

B. Existing commercial zoning trends in the area;

C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;

D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and

F. Other issues which may emerge specific to a particular property which may be addressed through performance based zoning criteria.

Role of Land Development Regulations in the Designation of Commercial Lands
Policy 2.3

Land development regulations provide performance standards for evaluating the acceptability of proposed commercial development activities. Criteria include:

Criteria:

A. Integration of vehicular and non-vehicular access into the site and access management features of site in terms of driveway cuts and cross access between adjacent sites, including use of frontage roads and/or shared access, where feasible, as determined by Brevard County;

B. Buffering from adjacent existing/potential uses;

C. Open space provisions and balance of proportion between gross floor area and site size;

D. Adequacy of pervious surface area in terms of drainage requirements;

E. Placement of signage;

F. Adequacy of site lighting and intrusiveness of lighting upon the surrounding area;

G. Safety of on-site circulation patterns (patron, employee and delivery vehicles), including parking layout and drive aisles, and points of conflict;

H. Landscaping, as it relates to the requirements of the Comprehensive Plan and Land Development Regulations;

I. Unique features and resources which may constrain site development, such as soils, existing vegetation and historic significance; and

J. Performance based zoning requirements which may serve as a substitute for or accompany land development regulations in attaining acceptable site design.

Commercial Future Land Use Designations
Policy 2.4

The following two (2) commercial land use designations are adopted as part of the Future Land Use Map:

- Neighborhood Commercial (NC)
- Community Commercial (CC)

Activities Permitted in Neighborhood Commercial (NC) Future Land Use Designations
Policy 2.5

Neighborhood Commercial (NC) development activities are intended to be low-impact in nature and serve the needs of the immediate residential area. Intrusion of these land uses into surrounding residential areas shall be limited. Existing BU-1-A uses, which were established as of the adoption date of this provision shall be considered consistent with this policy. Development activities which may be considered within Neighborhood Commercial (NC) Future Land Use designation, provided that listed criteria are met, include the following:

a) Professional offices (no drive through lanes permitted);
b) Personal Services (no drive through lanes permitted);
c) Convenience stores (no drive through lanes permitted);
d) Residential uses;
e) Institutional uses;
f) Recreational uses;
g) Public facilities; and
h) Transitional uses pursuant to Policy 2.12.

Locational and Development Criteria for Neighborhood Commercial Uses
Policy 2.6

Locational and development criteria for neighborhood commercial land uses are as follows:

Criteria:

A. Neighborhood commercial clusters should be located at collector/collector or collector/arterial intersections, except as otherwise provided for in this Comprehensive Plan.

B. Due to the linear nature and lack of intersections along SR A1A south of Melbourne Beach, new neighborhood commercial uses may be considered along those roadways if there is sufficient infrastructure to support commercial development; if the area has an established commercial character; and if they are consistent with the other applicable policies of this Comprehensive Plan.

C. New neighborhood commercial land use sites should incorporate no more than two acres maximum at each corner of an intersection, as set forth in Criterion A of this policy. Neighborhood commercial land uses at such intersections should not exceed eight (8) acres total.

D. Neighborhood commercial development clusters should be spaced at least 1/2 mile apart, except in the south beaches where neighborhood commercial clusters should be spaced at least three (3) miles apart.

E. The gross floor area of neighborhood commercial complexes should not exceed 21,800 square feet and the Floor Area Ratio (FAR) should not exceed 0.75.

In summary, Table 2.1 reiterates the specific development parameters and issues for consideration discussed in Policies 2.1 and 2.6 when evaluating requests for NC land use designations. This

table also outlines issues which affect decision making for rezoning requests and for site plan review, as described in Policies 2.2 and 2.3.

Activities Permitted in Community Commercial (CC) Future Land Use Designations
Policy 2.7

Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Development activities which may be considered within the Community Commercial (CC) Future Land Use designation, provided that the guidelines listed in Table 2.2 are met, include the following:

a) Existing strip commercial;
b) Transient commercial uses;
c) Tourist commercial uses;
d) Professional offices;
e) Personal service establishments;
f) Retail establishments;
g) Non-retail commercial uses;
h) Residential uses;
i) Institutional uses;
j) Recreational uses;
k) Public facilities;
l) Transitional uses pursuant to Policy 2.12; and
m) Planned Industrial Park development (as permitted by PIP zoning).

Locational and Development Criteria for Community Commercial Uses
Policy 2.8

Locational and development criteria for community commercial land uses are as follows:

Criteria:

A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

B. Community commercial complexes should not exceed 40 acres at an intersection.

C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not

exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size.

E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites.

In summary, Table 2.2 reiterates the specific development parameters and issues for consideration, as discussed in Policies 2.1 and 2.8, when evaluating requests for CC land use designations. This table also outlines issues which affect decision making for rezoning requests and for site plan review, as described in Policies 2.2 and 2.3.

TABLE 2.1 THREE LAYER DEVELOPMENT REVIEW PROCESS FOR EVALUATING NEW NEIGHBORHOOD COMMERCIAL (NC) FUTURE LAND USES

FIRST LEVEL OF REVIEW CONSISTENCY WITH COMPREHENSIVE PLAN[1]	SECOND LEVEL OF REVIEW CONSISTENCY WITH ZONING REGULATIONS[2]	THIRD LEVEL OF REVIEW CONSISTENCY WITH LAND DEVELOPMENT REGULATIONS[3]
Issues for Evaluation	**Issues for Evaluation**	**Issues for Evaluation**
Overall accessibility to the proposed NC site. (Policy 2.1.A)	Permitted/prohibited uses. (Policy 2.2.A)	Integration of vehicular and non-vehicular access into the site plan. (Policy 2.3.A)
Compatibility and inter-connectivity of proposed NC site with adjacent adopted Future Land designations and uses. (Policy 2.1.B)	Proposed zoning is consistent with zoning trends for the area. (Policy 2.2.B)	Access management features of the site design. (Policy 2.3.A)
Existing commercial development trend in the area. (Policy 2.1.C)	Compatibility of proposed zoning with surrounding land uses. (Policy 2.2.C)	Buffering of adjacent existing/potential uses. (Policy 2.3.B)
Changes in character of an area due to infrastructure improvements. (Policy 2.1.D)	Availability of public facilities to accommodate proposed zoning at or above adopted Level of Service standards. (Policy 2.2.D)	Open space provisions and balance of proportion between gross floor area and site size. (Policy 2.3.C)
Availability of public facilities to accommodate proposed NC Future Land Uses at or above adopted Level of Service standards. (Policy 2.1.E)	Impacts upon natural resources, including wetlands, floodplains and endangered species. (Policy 2.2.E)	Adequacy of pervious surface area in terms of drainage requirements of Land Development Code. (Policy 2.3.D)
Minimum Spacing from Nearest Commercial Land Use: .5 (one half) mile, with exceptions. (Policies 2.1.F and 2.6.D)	Other issues which may emerge specific to a particular property. (Policy 2.2.F)	Placement of signage on site. (Policy 2.3.E)
Size of proposed NC designation compared with current need. (Policy 2.1.G)	**Development Parameters Addressed by BU-1A Zoning Regulations**	Adequacy of site lighting and intrusiveness of lighting upon the surrounding area. (Policy 2.3.F)
Adherence of proposed NC land use to objectives/policies of the Conservation Element and the minimization of impacts upon natural systems. (Policy 2.1.H)	Listing of permitted/prohibited uses.	Safety of on site circulation patterns and points of conflicts. (Policy 2.3.G)
Integration of open space.[4] (Policy 2.1.I)	Minimum building setbacks requirements.	Landscaping conforms with policies of the Comprehensive Plan and the Land Development Code. (Policy 2.3.H)
Effect upon strip commercial development as a result of approving NC Future Land Use. (Policy 2.1.J)	Minimum lot size requirements.	Site plan sensitivity to protecting unique natural features. (Policy 2.3.I)
Location: Limited to intersections of Collector/Collector or Collector/Arterial roadways. (Policy 2.6.A)	Minimum floor area requirements.	Other performance based requirements. (Policy 2.3.J)
NC Future Land Use Site Size: 2 acres maximum (Policy 2.6.C)	Maximum building height allowances.	[3] This table serves as a summary. Refer to Policies 2.3 and 2.6 for full details.
Maximum Building Size: 21,800 square feet.[4] (Policy 2.6.E)	Buffering requirements.	
Maximum Floor Area Ratio (FAR): 0.75[4] (Policy 2.6.E)	Traffic impact allowances.	
[1] This table serves as a summary. Refer to Policies 2.1 and 2.6 for full details. [4] These parameters will be applied during the site plan review process.	[2] This table serves as a summary. Refer to Policies 2.2 and 2.6 for full details.	

TABLE 2.2 THREE LAYER DEVELOPMENT REVIEW PROCESS FOR EVALUATING NEW COMMUNITY COMMERCIAL (CC) FUTURE LAND USES		
FIRST LEVEL OF REVIEW	SECOND LEVEL OF REVIEW	THIRD LEVEL OF REVIEW
CONSISTENCY WITH COMPREHENSIVE PLAN[1]	CONSISTENCY WITH ZONING REGULATIONS[2]	CONSISTENCY WITH LAND DEVELOPMENT REGULATIONS[3]
Issues for Evaluation	**Issues for Evaluation**	**Issues for Evaluation**
Overall accessibility to the proposed CC site. (Policy 2.1.A)	Permitted/prohibited uses. (Policy 2.2.A)	Integration of vehicular and non-vehicular access into the site plan. (Policy 2.3.A)
Compatibility and inter-connectivity of proposed CC site with adjacent adopted Future Land designations and uses. (Policy 2.1.B)	Proposed zoning is consistent with zoning trends for the area. (Policy 2.2.B)	Access management features of the site design. (Policy 2.3.A.)
Existing commercial development trend in the area. (Policy 2.1.C)	Compatibility of proposed zoning with surrounding land uses. (Policy 2.2.C)	Adequacy of buffering provided. (Policy 2.3.B)
Changes in character of an area due to infrastructure improvements. (Policy 2.1.D)	Availability of public facilities to accommodate proposed zoning at or above adopted Level of Service standards. (Policy 2.2.D)	Open space provisions and balance of proportion between gross floor area and site size. (Policy 2.3.C)
Availability of public facilities to accommodate proposed CC Future Land Uses at or above adopted Level of Service standards. (Policy 2.1.E)	Impacts upon natural resources, including wetlands, flood plains, and endangered species. (Policy 2.2.E)	Adequacy of pervious surface area in terms of drainage requirements of Land Development Code. (Policy 2.3.D)
Minimum Spacing from Nearest CC Land Use: 2 miles for sites up to 10 acres and 5 miles for sites >10 acres. (Policies 2.1.F and 2.8.C)	Other issues which may emerge specific to a particular property. (Policy 2.2.F)	Placement of signage on site. (Policy 2.3.E)
Size of proposed CC designation compared with current need. (Policy 2.1.G)	**Development Parameters Addressed by BU-1 & BU-2 Zoning Regulations**	Adequacy of site lighting and intrusiveness of lighting upon the surrounding area. (Policy 2.3.F)
Adherence of proposed CC land use to objectives/policies of the Conservation Element and the minimization of impacts upon natural systems. (Policy 2.1.H)	Listing of permitted/prohibited uses.	Safety of on site circulation patterns and points of conflicts. (Policy 2.3.G)
Integration of open space.[4] (Policy 2.1.I)	Minimum building setbacks requirements.	Landscaping conforms with policies of the Comprehensive Plan and the Land Development Code. (Policy 2.3.H)
Effect upon strip commercial development as a result of approving CC Future Land Use. (Policy 2.1.J)	Minimum lot size requirements.	Site plan sensitivity to protecting unique natural features. (Policy 2.3.I)
Locations: Limited to intersections of Arterial/Arterial or Collector/Arterial roadways for sites up to 10 acres (with exceptions) and limited to Principal Arterial/Principal Arterial intersections for sites >10 acres. (Policy 2.8.A)	Minimum floor area requirements.	Other performance based requirements. (Policy 2.3.J)
CC Future Land Use Site Size: >2 acres and <40 acres. (Policy 2.8.B)	Maximum building height allowances.	[3] This table serves as a summary. Refer to Policies 2.3 and 2.8 for full details.
Minimum spacing from nearest CC land use: 2 miles for sites up to 10 acres and 5 miles for sites > 10 acres. (Policy 2.8.C)	Buffering requirements.	
Maximum Building Size: up to 150,000 square feet for sites up to 10 acres and up to 400,000 square feet for sites > 10 acres.[4] (Policy 2.8.D)	[2] This table is a summary. Refer to Policies 2.2 and 2.8 for full details.	
Maximum Floor Area Ratio (FAR): 1.0 [4] (Policy 2.8.E)		
[1] This table serves as summary. Refer to Policies 2.1 and 2.8 for full details.		
[4] These parameters will be applied during the plan review process.		

Board Adjustments to Commercial Future Land Use Boundaries
Policy 2.9

The boundaries of the Neighborhood Commercial and Community Commercial future land use designations are intended to be flexible in their application and may be extended up to 500 feet beyond the limits established on the Future Land Use Map by the Board of County Commissioners, provided that such proposed extensions adhere to the following criteria:

Criteria:

A. said extension shall not encompass an area greater than one acre in size;

B. said extension shall only be permitted for properties which are either contiguous to or partly located within the respective Neighborhood Commercial or Community Commercial designation sought by the extension;

C. said extension does not result in expanding a boundary into established residential areas; and

D. said extension does not exclusively abut a parcel which was previously granted such an expansion.

Policy 2.10

In evaluating an application for a commercial land use boundary extension as discussed in Policy 2.9, the Board of County Commissioners shall determine that at least one of the following criteria applies:

Criteria:

A. such extension results in the protection of the environment;

B. such extension makes accommodation for the nearest property lines, rights-of-way, or easements;

C. the basis for such extension is related to major physical or man-made boundaries; or,

D. a binding development restriction which satisfactorily addresses compatibility issues raised by the County is voluntarily submitted to the Planning and Zoning Board and is approved by the County Commission.

Policy 2.11

Properties that do not qualify for a boundary extension, as provided for in Policy 2.9, shall be afforded the opportunity to apply for a plan amendment pursuant to Florida Statutes.

Regional Commercial Centers
Policy 2.12

Regional commercial centers are those which meet the standards for Developments of Regional Impact, as defined by Chapter 380, F.S. Such land uses shall only be located within the

Development of Regional Impact (DRI) future land use designation. Project design and review standards shall be in accordance with the requirements of Chapter 380, F.S.

Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations

Policy 2.13

Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. In the CHHA, however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. Such residential development, as described above**,** shall be allowed to utilize the following characteristics:

a) Residential uses within Neighborhood Commercial and Community Commercial designations shall be encouraged to utilize neo-traditional neighborhood development techniques, such as narrower road rights-of-way, mid-block pedestrian pass-throughs, alleys, smaller lot sizes, on-street parking, reduced lot line setbacks and public transit facilities.

b) Residential density bonuses as set forth in Policy 11.2 may be considered in addition to the bonus stated in the above policy within Neighborhood Commercial and Community Commercial designations as an incentive for redevelopment and regentrification if the proposed development will address serious incompatibility with existing land uses, is adequately buffered from other uses, is located along major transportation corridors, and meets the concurrency requirements of this Comprehensive Plan.

Transitional Commercial Activities

Policy 2.14

As a result of their intrinsic nature and scale of intensity, offices, non-retail and neighborhood commercial activities may be utilized as transitional activities to afford buffering between higher and lower intensity uses, including transportation corridors. The criteria listed below, as summarized by Table 2.3, should serve as locational guidelines for employing such development as transitional uses. Projects which are approved as transitional uses may be subject to special requirements by the County, such as buffers, lighting, hours of operation, access/egress points, etc. in order to minimize impact upon adjacent lower intensity uses. In residential land use designations, strict adherence to development parameters outlined in Policies 2.6 and 2.8 must be maintained to qualify for consideration as a transitional activity under this policy. Once a transition is achieved between a higher and lower intensity land use, this policy should not be construed to justify the extension or enlargement of such uses onto adjacent lower intensity lands.

Criteria:

A. Non-retail commercial land uses shall be limited to those areas where non-retail commercial or industrial characteristics are established or planned so as to protect residential areas from their influence. Non-retail uses, including wholesaling, contracting, heavy repair services, paint and body shops, storage and warehousing uses, may serve as a transitional use between the following higher intensity and lower intensity uses, in the following listed Future Land Use designations:

Higher Intensity Uses:	Heavy Industrial or Light Industrial activities.
Lower Intensity Uses:	Community Commercial, Planned Industrial Park or Planned Business Park uses.
Future Land Use designations:	Community Commercial, Heavy/Light Industrial or Planned Industrial (Planned Industrial permits PIP zone uses only).
Roadway Access Requirements:	Convenient access to a major transportation corridor or along a railroad corridor with visual buffering from such corridors.

B. Professional Office uses may serve as a transition between the following higher intensity and lower intensity uses, in the following listed Future Land Use designations:

Higher Intensity Uses:	Light Industrial, Heavy Industrial, Planned Industrial Park, Planned Business Park, Neighborhood Commercial or a transportation corridor.
Lower Intensity Uses:	Residential 4, Residential 6, Residential 10, or Residential 15
Future Land Use Designations:	Neighborhood Commercial, Community Commercial, Residential 4, Residential 6, Residential 10, Residential 15. These residential land use designations permit RP zone uses only.
Roadway Access Requirements:	Direct access to collector or higher roadway.

C. Neighborhood Commercial uses may serve as a transition between the following higher intensity and lower intensity uses, in the following listed Future Land Use designations:

Higher Intensity Uses:	Any higher intensity uses listed in Criteria A and B above.
Lower Intensity Uses:	Professional Offices (RP zone uses only) and any residential.
Future Land Use Designations:	Neighborhood Commercial and all Residential designations.
Roadway Access Requirements:	Direct access to collector or higher roadway.

TABLE 2.3

LOCATIONAL CRITERIA FOR TRANSITIONAL COMMERCIAL & INDUSTRIAL LAND USES[1]

TRANSITIONAL[1] USE	TRANSITION FROM...	TRANSITION TO...	PERMITTED FUTURE LAND USE DESIGNATION	ROADWAY ACCESS REQUIREMENTS
Non-retail[2] Uses	Light Industrial or Heavy Industrial	Community Commercial, Planned Industrial Park, or Planned Business Park	Community Commercial, Heavy/Light Industrial, or Planned Industrial[4]	Convenient access to a major transportation corridor or along a railroad corridor, but must be visually buffered from such corridors.
Professional Office	Light Industrial, Heavy Industrial, Planned Industrial Park, Planned Business Park, Neighborhood Commercial, or Transportation Corridors	Residential (4 units per acre or higher density)	Neighborhood Commercial, Community Commercial, Residential 4[3], Residential 6[3], Residential 10[3], Residential 15[3], or Residential 30[3]	Direct access to collector or higher.
Neighborhood Commercial	Any of the above uses, plus Community Commercial	Professional Offices[3] Residential	Neighborhood Commercial and all Residential Designations	Direct access to collector or higher.

[1] This table serves as a summary. Refer to Policy 2.14 for full details.

[2] Generally includes wholesaling, contracting, heavy repair services, paint and body shops, storage and warehousing uses.

[3] Permits RP zoning uses only.

[4] Permits PIP zoning uses only.

Strip Commercial Development
Policy 2.15
The creation/promotion of strip pattern of commercial development shall be discouraged. Infill within established strip commercial areas is preferred over extension of a strip commercial pattern. Extension of a commercial land use designation may be considered in circumstances where the proposed commercial parcel is located within a block in which at least fifty percent (50%) of the block face (in linear feet) is either currently developed with commercial land uses or is designated for commercial use. In either case, the proposed commercial land use extension shall not constitute an encroachment into a residential area. Refer to Figure 1 in the Appendix, "Illustrative Examples of Commercial Infill vs. Extension of Strip Development." Judging the suitability of a location for an extension of strip commercial development activities shall be based upon the following minimum criteria:

Criteria:

A. Impacts upon traffic circulation should be anticipated and mitigated through the reservation of right-of-way for road widening and marginal access streets. Access points for strip commercial complexes shall seek to minimize points of conflict by utilizing frontage roads, providing cross access between parcels or installing shared use curb cuts for access driveways to the maximum extent feasible, as determined by Brevard County.

B. Setbacks and landscaped or other appropriate buffers shall be established to mitigate the visual impacts of strip commercial development.

C. A sidewalk or bicycle path shall be required where appropriate, as encouraged by Tables 2.1 and 2.2 to provide convenient access to surrounding residents and to reduce traffic volumes on the roadways.

Periodic Review of Commercial Area Allocations
Policy 2.16
As part of each Evaluation and Appraisal Report (EAR), Brevard County shall analyze the allocation of commercial acreage in the Future Land Use Map. The evaluation of said allocations shall be based upon the following minimum criteria:

Criteria:
A. Commercial development trends;

B. The types, intensities, locations, and land areas of commercial land use designations; and

C. Commercial acreage allocations shall consider all commercial development, whether within or outside of commercial land use designations.

Policy 2.17

Because of the contrasting nature of institutional activities, two types of institutional land uses are identified below. Institutional uses shall be evaluated according to the following location and development criteria:

LOW INTENSITY INSTITUTIONAL USES
Permitted in all Residential Land Use Designations and in the Neighborhood Commercial Land Use Designation

Access to a roadway classified as a local street or higher

Pedestrian access required

Building scale and design compatible with the surrounding neighborhood

HIGH INTENSITY INSTITUTIONAL USES
Permitted in the Community Commercial Land Use Designation

Access to a roadway classified as an arterial or higher

Access to a roadway classified as a collector or higher in established Community Commercial areas

Intrusion into residential areas shall be limited. High Intensity Institutional Uses shall be located in areas where commercial development is planned or established.

INDUSTRIAL LAND USES

Objective 3

Brevard County shall provide for adequate and appropriate lands for the location of industrial land uses, through the Land Development Regulations, to support the role of these uses in the County's economy. Brevard County shall direct new industrial land use designations to areas which are determined to be appropriate based upon a suitability analysis, character of the area, compatibility with surrounding land uses, and public facilities and services. These uses shall be directed to sites where there are sufficient uplands for the intended use and for all other measures to ensure wetland function. During the review of proposed amendments to the Future Land Use Map, which would allow industrial uses, Brevard County shall ensure that the site is suitable for the proposed use with regard to environmental features. The proposed designation shall be consistent with the following suitability criteria:

Criteria:

A. Floodplain policies contained within Conservation Objective 4.

B. Aquifer protection policies contained within Conservation Objective 11.

C. Types, values, conditions, functions, and locations of wetlands, and wetland protection policies contained in Conservation Objective 5.

Role of the Comprehensive Plan in the Designation of Industrial Lands
Policy 3.1

The Comprehensive Plan shall impose broad criteria for consideration in evaluating proposals for new industrial designated lands within Brevard County. At a minimum, these criteria shall address the following:

Criteria:

A. Compatibility with adjacent adopted Future Land Use designations and land uses;

B. Existing industrial development trend in the area;

C. Availability of required infrastructure at/above adopted levels of service;

D. Size of proposed industrial designation compared with current need for industrial lands;

E. Accessibility to major transportation corridors, as well as air, water and rail transportation facilities;

F. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems; and

G. Accessibility to labor, raw materials and markets.

Role of Zoning Regulations in the Designation of Industrial Lands
Policy 3.2

Zoning regulates the specific types and intensities of uses. Criteria which aid in assessing zoning compatibility shall consider the following standards:

Criteria:

A. Permitted/prohibited uses;

B. Existing industrial zoning trends in the area;

C. Compatibility of proposed use with area;

D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal; and

E. Impact upon natural resources, including air and water, wetlands, floodplains, and endangered species.

F. Other issues which may emerge specific to a particular property which may be addressed through performance based zoning criteria.

Role of Land Development Regulations in the Designation of Industrial Lands
Policy 3.3

Once a proposed project is designed, site plan/land development regulations provide the final level of review for evaluating the acceptability of proposed industrial development activities. Criteria include:

Criteria:

A. Accessibility of site for vehicular and non-vehicular modes;

B. Buffering from adjacent existing/potential uses in terms of set backs, landscaping, and open space as well as the arrangement of access and parking for the site;

C. Open space provisions and balance of proportion between gross floor area and site size;

D. Adequacy of pervious surfaces in terms of drainage requirements;

E. Safety of on site vehicular circulation patterns (patrons, employees, and delivery vehicles) including loading facilities, truck parking and points of conflict;

F. Storage locations and buffering from the surrounding area;

G. Adequacy of site lighting and intrusiveness of lighting upon the surrounding area;

H. Building placement/arrangement on the site;

I. Provision of breezeway/visual corridor for riverfront properties;

J. Placement of signage;

K. Unique features and resources which may constrain site development, such as soils, existing vegetation and historic significance.

L. Performance based zoning requirements which may serve as a substitute for or accompany Land Development Regulations in attaining acceptable site design;

M. Suitability of mixture of uses (if multiple uses proposed);

N. Blending of the project with the character of the area; and

O. Landscaping conforms with the policies of the Comprehensive Plan and land development code.

Industrial Future Land Use Designations
Policy 3.4

The two (2) industrial land use designations adopted as part of the Future Land Use Map are:

- Planned Industrial
- Heavy/Light Industrial

Planned Industrial Land Use Designation
Policy 3.5

The Planned Industrial land use designation is intended to accommodate the clustering of light industrial and business uses in settings which provide special attention to the integration of infrastructure, such as circulation, parking, and utilities, while placing emphasis upon aesthetics of the project and compatibility with abutting properties and properties within the industrial park. These parks shall be designed to limit intrusion into residential areas. Appropriate uses are those that operate within enclosed buildings such as manufacturing, assembling, fabricating, warehousing and retailing activities. Hotel and motel accommodations that serve the travel needs of employees or clients associated with firms within the planned industrial or business parks are also appropriate. Marinas may also be considered within this land use designation. Appropriate locations for planned industrial parks shall be based upon the criteria listed below. Table 3.1 summarizes the specific development parameters listed below as well as issues that affect decision making for rezoning requests and for site plan review, as described in Policies 3.2 and 3.3.

Criteria:

A. Planned industrial park project sites shall incorporate at least three (3) acres.

B. Planned industrial parks must be within 660 feet of the major transportation corridors. Major transportation corridors include such roadways as Interstate 95, U.S. Highways 1 and 192, and State Roads 3, 46, 50, 528, 524, 520, 518, and 516.

TABLE 3.1 THREE LAYER DEVELOPMENT REVIEW PROCESS FOR EVALUATING NEW PLANNED INDUSTRIAL FUTURE LAND USES

FIRST LEVEL OF REVIEW CONSISTENCY WITH COMPREHENSIVE PLAN[1]	SECOND LEVEL OF REVIEW CONSISTENCY WITH ZONING REGULATIONS[2]	THIRD LEVEL OF REVIEW CONSISTENCY WITH LAND DEVELOPMENT REGULATIONS[3]
Issues for Evaluation	**Issues for Evaluation**	**Issues for Evaluation**
Compatibility of proposed Planned Industrial Future Land Use with adjacent adopted Future Land designations and uses. (Policy 3.1.A)	Permitted/prohibited uses. (Policy 3.2.A)	Accessibility of site. (Policy 3.3.A)
Existing Planned Industrial development trend in the area. (Policy 3.1.B)	Proposed zoning is compatible with zoning trends for the area. (Policy 3.2.B)	Buffering of adjacent existing/potential uses. (Policy 3.3.B)
Availability of public facilities to accommodate proposed Planned Industrial Future Land Uses at or above adopted Level of Service standards. (Policy 3.1.C)	Proposed zoning is compatible with surrounding land uses. (Policy 3.2.C)	Open space provisions and balance of proportion between gross floor area and site size. (Policy 3.3.C)
Size of proposed Planned Industrial designation compared with current need for such lands. (Policy 3.1.D)	Availability of public facilities to accommodate the proposed zoning at or above adopted Level of Service standards. (Policy 3.2.D)	Adequacy of pervious surface area in terms of drainage requirements. (Policy 3.3.D)
Accessibility to major transportation corridors, as well as air, water and rail transportation facilities. (Policy 3.1.E)	Impacts upon natural resources, including wetlands, flood plains and endangered species. (Policy 3.2.E)	Safety of on site vehicular circulation, loading facilities and truck parking. (Policy 3.3.E)
Adherence to objectives/policies of the Conservation Element and the minimization of impacts upon natural systems. (Policy 3.1.F)	Other issues which may emerge specific to a particular property. (Policy 3.2.F)	Storage locations and buffering from surrounding area. (Policy 3.3.F)
Planned Industrial Park land use designation minimum acreage: 3 acres (Policy 3.5.A)	**Development Parameters Addressed by PIP & PBP Zoning Regulations**	Arrangement of site lighting and intrusiveness of lighting upon the surrounding area. (Policy 3.3.G)

Planned Industrial Park land use designation must be within 660' of a major transportation corridor. (Policy 3.5.B)	Listing of permitted/prohibited uses.	Building placement/arrangement. (Policy 3.3.H)
	Minimum parks size requirements.	Provision of breezeway/visual corridor for riverfront properties. (Policy 3.3.I)
	Minimum buffering requirements.	Location of signage. (Policy 3.3.J)
	Minimum lot size requirements.	Site plan sensitivity to protecting unique natural features. (Policy 3.3.K)
	Minimum building setback requirements.	Other performance based requirements. (Policy 3.3.L)
	Maximum lot coverage requirements.	Suitability of mixture of uses (if multiple uses proposed). (Policy 3.3.M)
	Maximum building height allowances.	Blending with the character of the area. (Policy 3.3.N)
	Loading facility requirements.	Landscaping conforms with policies of the Comprehensive Plan and land development code. (Policy 3.3.O)
	Lighting standards.	
[1] This table serves as a summary. Refer to Policies 3.1 and 3.5 for details.	[2] This table serves as a summary. Refer to Policies 3.2 and 3.5 for full details.	[3] This table serves as a summary. Refer to Policies 3.3 and 3.5 for full details.

Heavy/Light Industrial Land Use Designation
Policy 3.6

The Heavy/Light Industrial land use designation is intended to accommodate an array of industrial activities ranging from those which involve indoor manufacturing and/or processing of materials or products extracted predominately from raw materials to those which utilize prepared materials in the outdoor production of goods. IU and IU-1 uses may be permitted only within an area designated for Heavy/Light Industrial uses, unless treated as a transitional use pursuant to Policy 2.2. Heavy/Light industrial land uses shall be deemed appropriate provided that the generalized locational factors listed below are satisfied. Table 3.1 summarizes the specific development parameters listed below as well as issues that affect decision making for rezoning requests and for site plan reviews, as described in Policies 3.2 and 3.3.

Criteria:

A. Industrial development shall be located with convenient access to major transportation corridors, as well as air, water and rail transportation facilities. Major transportation corridors include such roadways as Interstate 95, U.S. Highways 1 and 192, and State Roads 3, 46, 50, 528, 524, 520, 518, and 516.

B. Industrial land uses should be located with convenient access to the labor supply, raw material sources and market areas.

C. Natural vegetative and other appropriate buffers, potentially in the form of performance based standards, shall be employed as part of industrial site development to minimize the nuisance effects of industrial land uses, including noise, odor and visual effects, and to provide aesthetically pleasing settings for such uses.

Light Industrial Uses in the Heavy/Light Industrial Designation
Policy 3.7

Light industrial land uses involve manufacturing, assembling, fabricating and warehousing activities which are generally conducted indoors, such as machine shops, bottling and canning works, boat building, and freight or trucking terminals. Such uses have the potential to adversely affect surrounding land uses; therefore, light industrial development proposals shall be reviewed for compatibility with surrounding land uses. Locations for light industrial land uses, shall be based upon the following minimum criteria:

Criteria:

A. Light industrial land uses shall not be located within 660 feet of major transportation corridors, unless such uses are located west of railroad right-of-way along U. S. Highway 1 and are served by a spur or other connection to the rail line or are water-dependent or water-dependent uses or meet the criteria below.

B. Light industrial land uses may also be considered within 660 feet of the major transportation corridors if they are located contiguous to an established industrial park (lands separated by roads are considered contiguous), and if such lands have

existing IU (light industrial) zoning and such zoning has existed for at least ten years, provided that such lands contain natural vegetation affording sufficient visual screening from the transportation corridor. Under these circumstances, all natural vegetation shall be retained within a minimum 15 foot roadway buffer area unless it is determined by the County that such vegetation needs to be replaced due to the poor health or viability of the vegetation. Drainage works and all other improvements shall not be permitted within the 15 foot roadway buffer area. The landscaping requirements of this provision shall be carried out in addition to the requirements of Brevard County Landscaping Regulations. Major transportation corridors include such roadways as Interstate 95, U.S. Highways 1 and 192, and State Roads 3, 46, 50, 528, 524, 520, 518 and 516.

C. Sites for light industrial land uses shall be at least 20,000 square feet in size.

D. Floor Area Ratio (FAR) for a light industrial land use project should not exceed 2.48.

Heavy Industrial Uses in the Heavy/Light Industrial Land Use Designation
Policy 3.8

Heavy industrial land uses are those which involve the manufacturing of products directly from raw materials. Uses include indoor and outdoor activities such as cement and concrete production, chemicals and fertilizer processing, lumber mills, foundries and forge works, and paint and plastics production. Heavy industrial land uses have the potential to adversely affect surrounding land uses; therefore, such development proposals shall be reviewed for compatibility with surrounding land uses. Locations for heavy industrial land uses shall be based upon the following minimum criteria:

Criteria:

A. Heavy industrial land uses shall not be located within 660 feet of major transportation corridors, unless such uses are existing or are located west of the railroad right-of-way along U.S. Highway 1 and are served by a spur or other connection to the rail line or are water-dependent or water-related uses. Major transportation corridors include such roadways as Interstate 95, U.S. Highways 1 and 192, and State Roads 3, 46, 50, 528, 524, 520, 518 and 516.

B. Sites for heavy industrial land uses shall incorporate at least 40,000 square feet.

C. Floor Area Ratio (FAR) for a heavy industrial land use project should not exceed 1.76.

TABLE 3.2 THREE LAYER DEVELOPMENT REVIEW PROCESS FOR EVALUATING NEW HEAVY/LIGHT INDUSTRIAL FUTURE LAND USES

FIRST LEVEL OF REVIEW CONSISTENCY WITH COMPREHENSIVE PLAN[1]	SECOND LEVEL OF REVIEW CONSISTENCY WITH ZONING REGULATIONS[2]	THIRD LEVEL OF REVIEW CONSISTENCY WITH LAND DEVELOPMENT REGULATIONS[3]
Issues for Evaluation	**Issues for Evaluation**	**Issues for Evaluation**
Compatibility of proposed Heavy/Light Industrial Future Land Use with adopted Future Land Uses in the surrounding area. (Policy 3.1.A)	Permitted/prohibited uses. (Policy 3.2.A)	Accessibility of the site. (Policy 3.3.A)
Existing Heavy/Light Industrial development trend in the area. (Policy 3.1.B)	Proposed zoning is consistent with zoning trends for the area. (Policy 3.2.B)	Buffering of adjacent existing/potential uses. (Policy 3.3.B)
Availability of public facilities to accommodate proposed Heavy/Light Industrial Future Land Uses at or above adopted Level of Service standards. (Policy 3.1.C)	Proposed zoning is compatible with surrounding land uses. (Policy 3.2.C)	Open space provisions and balance of proportion between gross floor area and site size. (Policy 3.3.C)
Size of proposed Heavy/Light Industrial designation compared with current need for Heavy/Light Industrial lands. (Policy 3.1.D)	Availability of public facilities to accommodate proposed zoning at or above LOS standards. (Policy 3.2.D)	Adequacy of pervious surface areas in terms of drainage requirements (Policy 3.3.D)
Accessibility to major transportation corridors, air, water and rail transportation facilities. (Policies 3.1.E and 3.6.A)	Adherence of proposed zoning to the objectives/policies of the Conservation Element and minimization of impacts upon natural systems. (Policy 3.2.E)	Safety of on site vehicular circulation, loading facilities and truck parking. (Policy 3.3.E)
Minimization of impacts upon natural systems. (Policy 3.1.F)	**Development Parameters Addressed by IU and IU-1 Zoning Regulations**	Storage locations and buffering from rights of way and the surrounding area. (Policies 3.3.F and 3.7.B)
Convenient access to labor, raw materials and market areas. (Policies 3.1.G and 3.6.B)	Permitted/prohibited uses.	Arrangement of site lighting and intrusiveness of lights upon the surrounding area. (Policy 3.3.G)
Provision of natural vegetative or other appropriate buffers to minimize nuisance effects.[4] (Policy 3.6.C)	Minimum lot size requirements.	Building placement/arrangement. (Policy 3.3.H)
Other performance based standards to minimize nuisance effects.[4] (Policy 3.6.C)	Minimum building setback requirements.	Provision of breezeway/visual corridor for riverfront properties. (Policy 3.3.I)

Light Industrial uses should not be located within 660' of major transportation corridors, unless contiguous with the railroad along US 1 or are water dependent/related uses. (Policies 3.7.A and 3.7.B)	Floor Area Ratio requirements.	Location of signage. (Policy 3.3.J)
Minimum Lot Size for Light Industrial Uses: 20,000 s.f.[4] (Policy 3.7.C)	Maximum building height allowances.	Site plan sensitivity to the protection of unique natural features. (Policy 3.3.K)
Maximum Floor Area Ratio (FAR) for Light Industrial use: 2.48[4] (Policy 3.7.D)	Minimum buffering requirements.	Other performance based requirements. (Policy 3.3.L)
Heavy Industrial uses should not be located within 660' of major transportation corridors, unless contiguous with the railroad, adjacent to US 1, or are water related/dependent uses. (Policies 3.8.A)	Traffic impacts associated with the proposed use(s).	Suitability of mixture of uses (if multiple uses proposed). (Policy 3.3.M)
Minimum Lot Size for Heavy Industrial Uses: 40,000 s.f.[4] (Policy 3.8.B)		Provision of natural vegetative buffers, fencing materials or other buffers to minimize nuisance effects such as noise, odor, visual impacts. (Policies 3.3.B and 3.3.N)
Maximum Floor Area Ratio (FAR) for Heavy Industrial use: 1.76[4] (Policy 3.8.C)		Landscaping conforms with policies of the Comprehensive Plan and land development code. (Policy 3.3.O)

[1] This table serves as a summary. Refer to Policies 3.1, 3.6, 3.7 and 3.8 for full details.

[2] This table serves as a summary. Refer to Policies 3.2 and 3.6, 3.7, and 3.8 for full details.

[3] This table serves as a summary. Refer to Policies 3.3 and 3.6, 3.7, and 3.8 for full details.

[4] These parameters will be applied during the plan review process.

Water-Related and Water-Dependent Industrial Uses
Policy 3.9

Waterfront parcels may be designated for Heavy/Light Industrial land use to satisfy unique locational needs for water-dependent and water-related industrial activities, provided that such activity is compatible with surrounding existing and programmed development and is consistent with these Industrial land use policies. Appropriate locations for water-dependent and water-related industrial land uses shall be based upon the following minimum criteria:

Criteria:

A. Only water-dependent industrial land uses, which must be carried out only on, in or adjacent to water areas, may be considered for location along the Indian River lagoon system.

B. Water-related industrial land uses shall be considered only on the uplands adjacent to Class III waters of the Indian River lagoon system. Water-related uses are those which are not directly dependent upon access to a water body but which provide goods and services to uses which are water-dependent.

C. Directives, policies and criteria in the Coastal Management and Conservation elements of this Comprehensive Plan which address water-dependent and water-related land uses shall be utilized in the location of industrial uses adjacent to water bodies.

AGRICULTURAL LAND USES

Objective 4

Brevard County recognizes the importance of agricultural lands to the community as the industry benefits the economy, reduces the extent of urban sprawl, and the costs of providing public facilities and services, provides environmental benefits, and provides open space and visual beauty. The County shall enhance and protect agricultural lands, and provide for the continuing viability of the agricultural industry in the County's economy.

Permitted Uses in Agricultural Land Use Designation
Policy 4.1

Appropriate and adequate lands shall be designated Agricultural on the Future Land Use Map. Agricultural activities include, but are not limited to, row, vegetable and fruit crop production, dairy, poultry and livestock production, aquaculture, silviculture, horticulture, and apiariculture. Large lot residential development which does not impede the use of lands for agricultural purposes shall be permitted in this land use designation. The following minimum criteria shall govern activities in this land use designation:

Criteria:

A. Residential densities shall not exceed one dwelling unit per five (5) acres.

B. The County shall not extend public utilities and services outside of the service areas to Agricultural areas for new development, unless there is an overriding public

benefit which accrues to an area larger than the specific Agricultural area. However, the County will accept facilities through dedication, and provide services and utilities through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

Maintenance of Agricultural Designated Lands

Policy 4.2

Brevard County shall support voluntary federal, state and private acquisition and incentive programs for the maintenance of agricultural lands as opposed to eminent domain procedures.

Policy 4.3

Agricultural lands which are unique to Brevard County should be identified and programs for the protection of such lands should be evaluated as part of each Evaluation and Appraisal Report.

Criteria:

A. Unique agricultural lands would be those lands in Brevard County which possess the physical and chemical conditions for a high level of production with a low level of input. Other factors to be used in defining these lands would include the location, growing season, climate, moisture supply, or technique utilized.

B. Programs to be considered for protection of these agricultural lands should include, but not be limited to voluntary agricultural districts, time-certain dedications, purchase or transfer of development rights, and voluntary fee simple purchase of agricultural lands.

Policy 4.4

Brevard County shall support the Florida Greenbelt Law, Chapter 193, Florida Statutes, in an effort to provide incentives for agricultural property owners to maintain their lands in agriculture.

Policy 4.5

Brevard County shall encourage the use of cost-sharing programs and technical assistance offered through agencies such as the Soil & Water Conservation District to assist in the application of technology to conserve water and land resources.

CONSERVATION LAND USES

Objective 5

Brevard County shall protect the natural and historic resources in the County from the adverse impacts of development, and coordinate development with appropriate topography and soil conditions.

Conservation Future Land Use Designations

Policy 5.1

The following two (2) conservation land use designations are adopted as part of the Future Land Use Map:

- Public Conservation
- Private Conservation

Public Conservation Lands
Policy 5.2

The Future Land Use Map shall designate lands as Public Conservation to provide for the protection of publicly held environmentally sensitive areas. The Public Conservation future land use designation is intended to accommodate lands and facilities which are managed by federal, state and local governments within unincorporated Brevard County for conservation or preservation purposes. Such uses shall conform to the following minimum criteria:

Criteria:

A. The Public Conservation land use designation should include lands under the ownership of Brevard County, the St. Johns River Water Management District, or other such agencies, for the purpose of environmental protection, publicly owned lands within the Environmental Area (EA) zoning classification, and publicly owned areas in which it is demonstrated that the preservation of environmentally sensitive resources will provide an overriding public benefit.

B. Development activities within lands designated as Public Conservation shall be consistent with the specific policies in the Conservation Element related to natural resources, and the intent of this Comprehensive Plan. Specifically, activities that are conducted on Public Conservation lands that enhance, protect or manage such lands for nature-based recreation, conservation or preservation purposes for the benefit of the public shall be considered as consistent with this criterion.

C. Other environmentally sensitive lands (i.e., floodplains, wetlands, or aquifer recharge areas) which are located outside of the Public Conservation land use designation are protected through the policies of the Conservation Element of this Comprehensive Plan.

D. Privately owned land shall not be designated as Public Conservation. If privately owned lands are acquired by state, regional, or local agencies for conservation or preservation purposes, the participating agencies should provide such information to the County so that the Future Land Use Map may be amended pursuant to Florida Statute 163.3187, as may be amended. The County shall annually request such information from the applicable agencies so that any necessary amendments can be made to the Future Land Use Map.

Residential Uses in Public Conservation Areas
Policy 5.3

Residential densities for Public Conservation lands should not exceed one (1) dwelling unit per fifty (50) acres. Dwelling units on publicly held lands, including those zoned EA which are in public ownership, are limited to accommodating park rangers or other authorized personnel as deemed appropriate in order to manage or protect such Public Conservation lands.

Private Conservation Lands
Policy 5.4

Lands which are privately owned and zoned Environmental Area (EA) or so designated by an approved binding development plan shall be designated as Private Conservation. Such privately owned parcels shall permit a maximum residential density of one (1) unit per ten (10) acres.

PUBLIC FACILITIES LAND USES

Objective 6

Brevard County shall provide for adequate lands to meet the existing and future needs for public facilities and services, consistent with the Capital Improvements Program and the policies and the criteria of this Comprehensive Plan.

Designation of Public Facilities Lands
Policy 6.1

Brevard County shall adopt a Public Facility land use designation as part of the Future Land Use Map.

Locational Criteria for Public Facilities
Policy 6.2

Appropriate locations for public facility land uses, to include all lands managed by a governmental entity, should be based upon the following minimum criteria:

Criteria:

A. Public facilities are those uses which, at a minimum, relate to government-managed transportation, sanitary sewer, potable water, solid waste, drainage, conservation, education, government service systems, and other utilities such as gas, electric, telephone and cable. An exception should be made for transmission or collection facilities, rights-of-ways, and easements. Public facilities are also those uses classified as scientific research and technology development activities conducted by non-governmental organizations (NGOs) in formal partnership with governmental entities. Such NGOs shall provide economic, environmental and/or quality of life benefits to Brevard County. Specific land-use activities include either: life science research, ocean, coastal and marine research and technology development, or environmental science research. Public Facilities that are NGOs in formal partnership with governmental entities shall not exceed a FAR of .25

B. Public facilities land uses may be considered for locations within all land use designations on the Future Land Use Map provided such uses are compatible with adjacent land uses consistent with this Comprehensive Plan.

C. Following the purchase, lease or dedication of property for public facility purposes, the Comprehensive Plan shall be amended to depict the property as Public Facility on the Future Land Use Map.

D. Brevard County shall encourage the use of common corridors for utility systems, including sanitary sewer, potable water, re-use, electricity, gas and other utilities.

Siting of Public Schools Proximate to Urban Residential Areas
Policy 6.3

Brevard County shall encourage the Brevard County School Board to coordinate their school site selection process with the County and to locate new schools proximate to lands with densities of 6 units per acre or higher on the Future Land Use Map to the extent possible. Safety and accessibility to school sites by students should be considered during the site selection and design stages.

Co-location of Public Facilities with Public School Sites
Policy 6.4

In order to maximize the efficiency of public facilities and resources, Brevard County and the Brevard County School Board should strive to coordinate use of existing school facilities for public use. In addition, development of new libraries, parks and recreation facilities, children's services facilities, and other appropriate public uses on properties adjoining school sites should also be coordinated.

RECREATION LAND USES

Objective 7

Brevard County shall acquire or dedicate adequate public lands for parks and recreation to meet the County's existing and future recreational needs consistent with the objectives and policies in the Recreation and Open Space Element of this Comprehensive Plan.

Locational Criteria for Recreation Lands
Policy 7.1

The Recreation land use designation shall be adopted as part of the Future Land Use Map to identify appropriate locations for public recreation land uses, based upon the following minimum criteria:

Criteria:

A. Recreation land uses may be considered within all land use designations on the Future Land Use Map, provided such uses are compatible with adjacent land uses.

B. Following determination by Brevard County to utilize property for public recreational purposes, the Future Land Use Map shall be amended to depict said property as Recreation on the Future Land Use Map.

DEVELOPMENTS OF REGIONAL IMPACT (DRIs)

Objective 8

Brevard County shall review and regulate Developments of Regional Impact (DRIs) pursuant to the requirements of Chapter 380, Florida Statutes, Chapters 9J-2 and 28-24 Florida Administrative Code and applicable local ordinances.

Designation of Developments of Regional Impact on the Future Land Use Map
Policy 8.1

Brevard County shall adopt a Development of Regional Impact (DRI) land use designation which depicts approved DRIs on the Future Land Use Map. Each DRI shall adhere to the conditions contained within its adopted Development Order as amended from time to time. The approved development amounts for each land use type are listed below for each DRI and may be exceeded by amending the approved Development Order only if the approved changes do not represent a Substantial Deviation pursuant to the requirements of Subparagraph (b) of Subsection (19), Chapter 380.06, Florida Statutes.

1. Great Outdoors Premier RV Park Development of Regional Impact

The following shall guide land use and development of the Great Outdoors RV Park:

The Great Outdoors Premier RV Park is located south of S.R. 50 and west of I-95. The Great Outdoors is approved for a mix of uses, specifically:

Residential:	2,000 units (1,000 cabins and 1,000 recreational vehicle sites/units)
Commercial:	25,000 sq. ft.
Golf:	One 18 hole course
Support facilities:	47,800 sq. ft.

2. Harbortown Development of Regional Impact

The following shall guide land use and development of Harbortown:
Harbortown is located along the northern side of the S.R. 528/Bennett Causeway and have been approved for the following:

Wet Slips:	273
Surface Storage:	120 boats/vehicles
Covered Storage:	500 boats
Commercial:	30,000 sq. ft.

3. The Viera New Town Development of Regional Impact

The following shall guide land use and development of the Viera New Town:

The Viera DRI was approved in 1990 as a mixed use community generally situated between Wickham Road and Barnes Boulevard, flanking the east and west sides of Interstate 95 (I-95). The original master plan entailed development of 2,946.4 acres east of I-95 as well as a 284.5 acre tract west of I-95. The development scheme included a traditional community village as the central focus of project, linked by pedestrian/bicycle friendly greenways to the various residential components.

In 1995, a DRI substantial deviation was approved which refined the development mix on the east side of I-95 ("Viera East") and established an extensive development plan for the west side of I-95 ("Viera West"). In 1995, the County also amended the Comprehensive Plan to provide for a New

Town Overlay District and applied it to Viera west of I-95. The land uses approved for the 1995 development order governing Viera East and Viera West are summarized on Table 8.1.

Viera is a New Town that is planned and developed as a mixed use community with a functional integration of uses including residential, retail, office, attraction, theater, hotel, institutional, hospital, light industrial, educational, medical and recreation uses and supporting infrastructure. Viera is planned as a functionally distinct town separated from existing urban areas and surrounding land uses. Viera will provide for a full range of housing types including single family ownership and rental units and the town will have interconnected systems of open space that provide recreational opportunities and provide for the conservation of natural resources.

The following land uses and substantially similar land uses and corresponding densities and intensities are allowable in the Viera New Town:

Land Use	**Maximum Density/Intensity**
• Single Family Residential;	7 units per net acre*
• Multi Family Residential, including Nursing Home, ALF and ILF;	20 units per net acre*
• Retail; Office including Medical Office and Hotel; Movie Theaters, Attractions in Town Center**	3.0 FAR
• Retail; Office including Medical Office and Clinic; Hospital Hotel; Movie Theaters, Attractions Outside Town Center	2.0 FAR
• Institutional/Civic	.5 FAR
• Light Industrial/Office Warehouse;	.5 FAR
• Educational Campus	2.0 FAR
• Sports Stadium	9,000 seats
• Parks and Recreation	Not Applicable

Notes:
*Net density is based on net developable acreage, which does not include additional acreage needed for storm water management, roads, parks and recreation and conservation areas.

**The Town Center is generally located in an area north of Wickham Road, west of I-95; east of Stadium Parkway and south of Viera Boulevard. (See Map 7). Town Center uses within the Viera Town Center shall include government facilities as well as a full mix of other land uses such as office, retail, civic and residential.

Rural/agricultural uses are allowable uses until urban development occurs.

Until urban development occurs, rock mining on up to 110 acres is an allowable use in the northwest corner of the Viera New Town west of Stadium Parkway and north of Viera Boulevard.

The mix of uses as a percent of the entire Viera New Town (gross) acreage is as follows:

Land Use	**Mix of Uses**
Residential, including nursing home, ALF and ILF:	30% to 45%
Commercial, including retail, office, hotel, hospital, movie theaters, Attractions, sports, stadium, medical office:	30% to 48%
Industrial/Office Warehouse:	1% to 4%
Institutional/Civic/Educational:	2% to 5%
Parks, Recreation and Conservation:	20% to 30%

TABLE 8.1 (1995 Development Order)*
Viera DRI Development Program

Land Use	Viera East [1]			Viera West			Total		
	Acres	D.U.'s	Sq. Ft.	Acres	D.U.'s	Sq. Ft.	Acres	D.U.'s	Sq. Ft.
Single Family	1,118.5	2,930			9,069			11,999	
Multi Family	129.3	1,392			4,530			5,922	
Total Residential	1,247.8	4,322		2,258.83	13,599		3,505.63	17,921	
Office	349.7[2]		1,790,000	547.3		1,620,000	897		3,410,000
Office/Warehouse	63		720,400				63		720,400
Retail	158.4		1,154,000	212.5		1,795,000	337.9		2,949,000
Light Industrial	6.0		60,000	61.4		736,800	67.4		796,800
Hotel (rooms)	20.3	500		20.2	1,250		40.5	1,750	
ACLF/Nursing Home (beds)		480			240			720	
Hospital (beds)		100			470			570	
Baseball Stadium				92.2	7,500			7,500	
Educational Campus				154.6			154.6		
Institutional	37.9			170.4			208.3		
Mining				100			100		
Parks	51.6			322.5			374.1		
Movie Theaters						24/480000[4]			
Golf Course/Club				148.0			148.0		
Private Recreation				20.5			20.5		
Conservation/Open Space	608.7			138.8			747.5		
Lakes/Canals/Flow	380.0			625.37			1005.37		
Mitigation				31			31		
Road ROW/Interchange	289.6			850.0			1139.6		

1 Includes Parcel VV (west of I-95, but part of the 1989 DRI Development Order)
2 Includes 10,000 square foot health club
3 Upon completion, the mining area will convert to 75 acres open space/conservation and 25 acres lakes/canals/flow ways
4 Movie Theaters approved for 24 screens with 4,800 parking spaces
*Note: Table for baseline purposes only.

NEW TOWN OVERLAY
Objective 9
Brevard County shall maintain development standards for large scale mixed use New Town projects.

New Town Overlay Criteria
Policy 9.1

Brevard County adopts, as part of the Future Land Use Map, a New Town Overlay to include those areas having the characteristics of a new town community.

Criteria:

A. A New Town Overlay shall consist of and be regulated by the following:

1. Size of 1,500 acres at a minimum.

2. All new town communities shall provide acceptable funding mechanisms such as Community Development Districts (CDDs) and developers' agreements to the County that ensure all services and facilities proposed by the applicant will be funded, operated, and maintained, through the acceptable funding mechanism, for the utilization of the new town's citizenry.

3. A full and balanced mix of all major future land use categories set forth in Rule 9J-5, F.A.C. shall be provided, with the possible exception of agriculture, with a goal of planning land uses that will result in a balance of jobs to households.

4. Control by a master developer of the land within the new town area.

5. Development based on a master development plan for the new town area.

6. Development that is clearly functionally distinct or geographically separated from existing urban areas and surrounding land uses.

7. Central potable water and sewer service and availability of other public facilities and services including roads, storm water management, parks and recreation, police and fire protection, emergency medical services, schools and solid waste service shall be planned and provided in accordance with applicable policies of the Capital Improvements Element, if not already available.

8. It shall be clearly demonstrated in a conceptual manner how future land uses will function as an interrelated community.

9. All New Town Overlay areas shall identify an overall residential market share of the County's future growth.

10. All New Town Overlay areas shall be evaluated as part of the Evaluation and Appraisal Report (EAR) process.

B. Maximum allowable residential densities and non-residential intensities within a New Town Overlay area shall be established as provided by other policies of this element.

C. A full range of housing types meeting the Standard Housing Code, including single family ownership and rental units that are considered affordable to all income levels, shall be allowed within a new town. Provision of this range of housing shall be supported by cooperative developer/government efforts to provide opportunities for affordable single family home ownership. Specifically, opportunity for development of a variety of affordable housing units shall be made available which reflect the incomes of persons employed within the new town area.

D. A New Town Overlay area shall have interconnected systems of open space that provide recreational opportunities and provide for the conservation of natural resources.

E. All New Town Overlay areas should have similar land use designations, directives, policies, and criteria. The new town developer shall assist local governments in developing uniform new town designations, policies, directives, and criteria. Brevard County shall, as part of its Evaluation and Appraisal Report (EAR) process, initiate appropriate amendments to fulfill this requirement.

F. If consistent with other criteria in this policy and the plan, uses within the New Town Overlay area need not be consistent in all cases with commercial and industrial locational criteria, due to the integrated nature and large scale of new town development if they comply with the following:

1. **Commercial Land Uses**

a. Regional commercial uses shall be located in proximity to Interstate highways or other existing or planned arterial roadways. Sites for regional commercial centers shall be a minimum of 50 acres in size and should consist of 500,000 square feet of gross leasable area. A major component of the regional center may be a mall with at least two anchor stores. The site plan for the center shall ensure for a pedestrian circulation system that is integrated with the new town's overall pedestrian system. Regional commercial development shall be integrated into the Town Center of the new town in order to ensure the viability of the Town Center. The regional commercial center shall be compatible with adjacent uses.

b. Tourist commercial uses shall be located in proximity to other tourist uses such as sports facilities, entertainment facilities, and other tourist-related uses. These uses shall be accessed from an existing or

planned arterial street. Tourist commercial uses shall be compatible with adjacent uses.

c. Village commercial centers shall be integrated with residential uses and shall be accessible from the new town's pedestrian/bicycle pathway system and an additional transit corridor. The minimum acreage of a village commercial center is 10 acres with a gross leasable area to 125,000 square feet or less. Village centers may be spaced from 1 to 1.5 miles apart within the community. The centers are intended to serve the shopping needs of the residents living within the village and the immediate surrounding neighborhood. Sub-regional uses shall be permitted within village commercial centers, they shall have a minimum acreage of 20 acres and may have a gross leasable area of 500,000 square feet or less. Sub-regional uses shall be located adjacent to existing or planned arterial roadways. Village commercial centers shall be compatible with adjacent uses.

d. Convenience commercial shall consist of a minimum of 1 to 5 acres in size, and shall provide access to residential neighborhoods via the new town's pedestrian/bicycle pathway system. The gross leasable area shall be up to 50,000 square feet. The convenience commercial center shall be compatible with adjacent uses.

2. **Office Uses**

Office uses may be located in the Town Center, village commercial centers, convenience commercial centers, or serve as a transitional use between residential uses and more intense non-residential uses and between residential uses and transportation facilities. Office uses shall be compatible with adjacent uses.

3. **Industrial Uses**

The negative impacts of industrial land uses on the functions of the natural systems shall be minimized. Sites for industrial development shall be accessible to essential public and private facilities and services including transportation, potable water, an appropriate sewage treatment facility, solid waste and drainage. Sites for industrial development shall be located with access from existing planned arterial streets or highways. Industrial use shall be compatible with adjacent uses.

G. The establishment of a New Town Overlay area on the Future Land Use Map is not intended to imply, nor does it express an intent by the Board of County Commissioners, that development is being directed to a New Town Overlay area, and to guide development away from other areas of Brevard County. Nor does Brevard County plan to reduce development potential in other areas of the County.

Brevard County will always support additional development elsewhere in the County wherever appropriate.

H. Map 7 identifies the location of the Viera New Town Overlay and the Town Center

TRANSFER OF DEVELOPMENT RIGHTS (TDRs)
Objective 10
Brevard County shall encourage preservation of unique aspects of the natural environment by recognizing Transfer of Development Rights (TDRs) which permit more intense activity in areas deemed suitable for development.

Criteria for Transfer of Development Rights
Policy 10.1

Transfer of development rights (TDRs) may be obtained through the Conditional Use Permit process to direct residential development to areas which are deemed suitable for growth with the intent of furthering County goals related to preservation of the physical (including historic) and/or natural environment. TDR's may be transferred: (1) to an approved offsite location which is designated a receiving district; or (2) internally within a project from an approved sending district. In either circumstance, the utilization of TDRs must adhere to the following minimum criteria:

Criteria:

A. TDRs may be utilized in a project via Planned Unit Development (PUD) or binding development restrictions.

B. The density of a project receiving TDRs shall not exceed 150% of the density permitted in the designated land use category. The maximum allowable density of a development shall take into consideration all other requirements of the Comprehensive Plan.

C. The density assigned to a wetland area on the Future Land Use Map series may be transferred to an upland area within the same project. The transfer shall be subject to the provisions contained in Criterion B above**.**

D. Compatibility with surrounding development patterns within receiving areas shall be ensured.

E. TDRs may be considered due to environmental considerations; for the protection of historic resources; to encourage urban infill development; to provide additional open space; and to encourage development within specified area(s).

F. Applications for projects proposing to utilize TDRs shall include an analysis of the impacts that the increased density will have on public facilities and infrastructure as well as the school system.

G. The Coastal High Hazard Area is considered a sending district for TDRs, but cannot be a receiving district, except for intra-area transfers.

Receiving Districts for Transfer of Development Rights
Policy 10.2

The following land use designations may be considered receiving districts for Transfer of Development Rights:

- Residential 30
- Residential 15
- Residential 10
- Residential 6
- Residential 4
- Neighborhood Commercial
- Community Commercial

Sending Districts for Transfer of Development Rights
Policy 10.3

The following land use designations may be considered as sending districts for Transfer of Development Rights:

- Agricultural
- Conservation
- Coastal High Hazard Areas

REDEVELOPMENT & REGENTRIFICATION
Objective 11

Brevard County shall alleviate the impacts of inadequate public facilities and services, substandard structures and lot configurations in blighted or other affected areas in the County through redevelopment initiatives.

Criteria for Redevelopment Plans
Policy 11.1

Brevard County shall continue to identify areas that are candidates for redevelopment, such as those addressed in the Merritt Island Redevelopment Plan and adopt redevelopment plans in order to improve traffic circulation and parking, and to provide for aesthetically pleasing and environmentally sound commercial, office and residential opportunities, consistent with this Comprehensive Plan. At a minimum, the following criteria shall apply:

Criteria:

A. Redevelopment plans shall be coordinated with the availability of the following public facilities and services at levels of service adopted in this Comprehensive Plan: roadways, potable water, sanitary sewer, drainage, solid waste and emergency services.

B. Redevelopment plans shall be coordinated with transportation improvements including marginal access, existing roadway networks in the study area, limitation of access points, parking, pedestrian and bicycle facilities and mass transit.

C. Redevelopment plans shall address the impacts of redevelopment activities on the natural systems. Redevelopment activities shall be conducted consistent with the Conservation, Coastal Management and Surface Water Management elements of this Comprehensive Plan.

D. Redevelopment plans shall address appropriate development patterns in the study area. Primary emphasis shall be given to compatible retail commercial, high density residential, professional office and mixed-use projects. Clustered development patterns shall be preferred over strip development patterns.

E. Redevelopment plans shall provide for the visual continuity of the study area through landscaping, signage and architectural and design requirements.

F. Redevelopment plans shall address economic development strategies such as business recruitment, commercial revitalization and marketing campaigns.

G. Redevelopment plans shall identify structures which are substandard and shall address measures for rehabilitation or replacement.

H. Redevelopment plans shall include relocation strategies for residents and businesses displaced by implementation of said Plan. These strategies shall ensure that those displaced are provided adequate notice, equitable compensation and assistance in locating comparable relocation accommodations.

Policy 11.2

Redevelopment Districts may be established consistent with criteria set forth in Chapter 163, Part III, F.S. Such districts may receive special attention and flexibility, in accordance with current or new land development regulation which may be adopted by the Board of County Commissioners in accordance with Criterion C, in order to assure the elimination of factors contributing to economic debilitation. To that end, Redevelopment Districts shall be developed according to the following minimum criteria:

Criteria:

A. A Redevelopment District shall be developed in accordance with its adopted Redevelopment Plan.

B. Redevelopment Districts shall be permitted in any land use designation**.**

C. Redevelopment agencies shall promulgate land development regulations, design standards, rehabilitation and maintenance standards, and other regulatory or planning programs to establish performance standards, guide growth, or implement the adopted Redevelopment Plan, as may be amended and adopted by the Brevard County Board of County Commissioners.

D. Allowable non-residential development activities shall reflect the character and nature of the District. If a Redevelopment District has the potential to become an urban central business district, then adequate opportunities should be provided for

pedestrian movement, activity centers, urban spaces and other characteristics of urban core areas.

E. Residential development activities shall be encouraged to complement the types, styles and ranges of residential development standards assigned through the respective Redevelopment Agency's Land Development Regulations.

F. A density bonus program that provides developer incentives for the rehabilitation and reconstruction of housing should be implemented in appropriate Redevelopment Districts, as follows:

Land Use Designation	Maximum Number of Units Permitted
Residential 30	37.5 du/ac.
Residential 15	18.75 du/ac.
Residential 10	12.5 du/ac.
Residential 6	7.5 du/ac.
Residential 4	5 du/ac.
Residential 2	2.5 du/ac.
Residential 1	1.25 du/ac.

Density bonuses in the CHHA shall be approved by the Board of County Commissioners and shall be subject to environmental constraints, availability of public facilities, land use compatibility, and level of service requirements set forth in this Plan. Residential densities, of up to 37.5 dwelling units per acre, may be considered in the Merritt Island Redevelopment Area and shall be incorporated if approved by the Board of County Commissioners as part of a redevelopment plan.

G. Appropriate areas shall be set aside within each Redevelopment District for conservation, open space, recreation, or public facility usage.

Use of Community Development Block Grant Funds in Redevelopment Districts
Policy 11.4

Portions of the Community Development Block Grant funds should be allocated to rehabilitation and demolition of residential structures, as described in the Brevard County HOME Consortium Consolidated Plan.

Platted Lands with Development Limitations
Policy 11.5

Brevard County shall continue to support State and local initiatives that seek to address those lands which are platted but possess limitations to development based upon inadequate public facilities and services, substandard lot configurations, or environmental constraints.

Property Rights
Policy 11. 6

Brevard County shall address all constitutional considerations in the evaluation of applications for development orders and permits and shall maintain a process for appeals.

Policy 11.7

Brevard County shall encourage private redevelopment projects which are not regulated under Chapter 163, Part III, F.S. through the establishment of the Planned Redevelopment District future land use designation. This land use designation is intended to enable the County to consider preliminary redevelopment proposals in which only maximum thresholds for buildout and other general development information are provided. Under this approach, the identification of specific land use tracts may be reserved until re-zoning (if required) or the site plan approval process. The following minimum criteria must be met in order to request the Planned Redevelopment District land use designation:

Criteria:

A. Parcels seeking this designation must currently be substantially improved and proposed for redevelopment ; and

B. The minimum land assemblage requirement for this future land use designation is twenty-five (25) acres, all of which is held under one ownership, consolidated under a Unity of Title or similarly bound by other legal instrument, to ensure that the site remains undivided and that the project is built out and maintained in a manner contemplated at the time of the FLUM amendment approval; and

C. A property utilizing this future land use designation must abut one or more improved arterial roadways at the time of the FLUM amendment request.

Policy 11.8

Since the Planned Redevelopment District land use designation is based upon broad conceptual information rather than specific details relating to the proposed layout/arrangement of use(s) on site, such amendment requests shall, at a minimum, be accompanied by the following information:

Criteria:

A. Project description explaining the intent/scope of the project; and

B. Listing of the types of general land uses proposed (i.e., residential, commercial, industrial, etc.) and potential zoning classifications in the project; and

C. Details of each residential component, if proposed, including acreage breakdown(s), maximum number of dwelling units, density caps, and types of housing styles for each residential component of the project; and

D. Details of each non-residential component, if proposed, including acreage breakdown(s) and type(s) of non-residential uses; and

E. Description of special amenities proposed for the project to promote a cohesive character and encourage alternative transportation modes. Such amenities may include, but are not limited to the following:

1. Greenbelts;

2. Sidewalks;

3. Bikepaths;

4. Features to accommodate mass transit services.

F. Analysis of the compatibility of the proposed project with surrounding land uses and the future land use designations in the area; and

G. Anticipated time limit for build out of the project (time extensions may be considered by the Board and shall require amendment to the Comprehensive Plan); and

H. Relocation plan for displaced residents/business, if applicable; and

I. At the time of adoption for a particular parcel, the developer must proffer a fully executed development agreement which specifies the nature of the approved development, as outlined by the above criteria.

Policy 11.9

When reviewing a request for Planned Redevelopment District, the County shall consider the following factors:

Criteria:

A. Future land use designations and residential density guideline allowance for the subject parcel and surrounding area;

B. Development trends in the area;

C. Compatibility and interconnectivity with adjacent adopted future land use designations and existing land uses;

D. Accessibility of the site;

E. Availability of required infrastructure at or above adopted level of service standards;

F. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems;

G. Integration of open space and interconnectivity within the proposed project area; and

H. Promotion of alternative transportation modes, including pedestrian movement, bicycles and mass transit within the project.

Policy 11.10

During the zoning process for projects designated Planned Redevelopment District, the County shall consider the following factors:

Criteria:

A. Types of permitted/prohibited uses associated with the requested zoning;

B. Impact of anticipated land use mix in maximizing trip capture within the project;

C. Existing zoning trends in the area;

D. Compatibility of requested zoning with the area;

E. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

F. Impact upon natural resources, including wetlands, floodplains and endangered species; and

G. Other issues which may emerge specific to a particular property which may be addressed through performance based zoning criteria.

Policy 11.11

Development within the Planned Redevelopment District land use designation shall be designed to encourage a cohesive arrangement of interdependent land uses which promote internal interconnectivity and support the use of alternative circulation modes within the project boundaries. At the time of site plan review, the County shall consider the following, at a minimum:

Criteria:

A. Buffering from adjacent existing/potential uses;

B. Arrangement of land uses in terms of maximizing trip capture within the development;

C. Provision of open space, as defined by Section 62-1102 of the Zoning Code, as set forth in applicable zoning districts and in this Comprehensive Plan;

D. Adequacy of pervious areas in terms of drainage requirements;

E. Unique features and resources which may constrain site development, such as soils, existing vegetation, and historic significance;

F. Safety of on-site circulation patterns and interconnectivity within the project area to encourage alternative transportation modes, such as pedestrian movement, bicycling, and mass transit options;

G. Landscaping, as it relates to applicable land development regulations and the Comprehensive Plan;

H. Performance based zoning requirements which may serve as a substitute for or accompany land development regulations in attaining acceptable site design.

Policy 11.12

Once a Planned Redevelopment District future land use designation is adopted for a parcel, the specific development criteria approved by the County shall be incorporated into the Future Land Use Element. Modifications to approved development criteria shall require amendment to the Comprehensive Plan. The following identifies those projects which have been adopted to date and a narrative of the approved development scheme:

1. Patrick Air Force Base South Housing Privatization Project
   The following shall guide land use and development of the Patrick Air Force Base South Housing Privatization Project:

   Total Acreage: 273.77 acres

   Approved Land Uses:

   Residential

   - Residential Component 1 on 90 acres (545 dwelling units)
   - Residential Component 2 on 173.77 acres (454 dwelling units maximum)

   Non-Residential

   - 10 acres (potentially consisting of neighborhood retail and office activities, entertainment uses, recreational uses, child care services, churches, supporting institutional uses and public facilities).

General Project Description:
This 273.77 acre parcel, which is currently developed with 999 dwelling units under Air Force ownership for military personnel, will be transferred to private ownership in 2000. Redevelopment plans include the construction/rehabilitation of a total of 999 units within two residential components and 10 acres of commercial development. Although residential densities will vary throughout the project, dependent upon the housing types provided, the overall average density of this project will not exceed 4 units per acre. A commercial component (Commercial Center) will comprise ten (10) acres of the site.

Residential 1 (Residential component reserved for Air Force personnel)
A total of 545 housing units will be provided for Air Force personnel in the form of single family residences, duplexes, triplexes, and four unit structures. Approximately ninety (90) acres will be utilized for this residential component with average densities ranging between six (6) to eight (8) units per acre. Non-residential uses which may occur within this residential component, aside from storm water management and roadway networks, include recreational and institutional activities, public facilities, and open space.

Zoning Classifications allowable within the Residential 1 component include: PUD, RU-1-11, RU-1-13, RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, and GML.

Residential 2 (Residential component available to the public at large)
An estimated 173.77 acres of the project area will be allocated to residential uses available to the public. Housing types may include single family residences, duplexes and multi-family structures. A maximum of 454 units will be constructed within this residential component with densities varying between two (2) to five (5) units per acre. Development in this residential component shall project and enhance character, compatible with the Residential 1 component and shall be in keeping with existing and programmed land uses in the surrounding area. Clustered development will be encouraged to maximize non-vehicular, pedestrian-oriented circulation, and preservation of open space and to provide active and passive recreational facilities to serve the Residential 2 component. Higher residential densities will be relegated to areas adjacent to the commercial center to encourage pedestrian and bicycle access. Non-residential uses which may occur within this residential component, aside from storm water management and roadway networks, include recreational and institutional activities, public facilities, and open space.

Zoning Classifications allowable within the Residential 2 component include: PUD, SEU, SR, EU, EU-1, EU-2, RU-1-11, RU-1-13, RU-2-4, and GML.

Commercial Center
A commercial center will serve the limited neighborhood shopping and service needs of the project's residential community. A total of ten (10) acres will be allocated to this commercial component and may include neighborhood retail and office activities, entertainment uses, recreational uses as well as child care services, churches, supporting institutional uses and public facilities. The commercial center will be pedestrian/bicycle oriented, encouraging accessibility via sidewalks, bike paths, and greenways from the surrounding residential areas. Higher residential densities, between five (5) and eight (8) units per acre, will be programmed for the residential components which are adjacent to the commercial center.

Zoning Classifications allowable within this Commercial Center include: PUD, BU-1-A, BU-1, RP, and GML.

SERVICE DELIVERY, CONCURRENCY AND GROWTH

Objective 12

Through concurrency management, Brevard County shall oversee development activities in order to assure that existing and future needs for public facilities and services are available consistent with the Capital Improvements Program and the policies of this Comprehensive Plan.

Public Facilities Siting and Capacity Needs

Policy 12.1

Public facilities and services shall be designed with capacities sufficient to support the needs of the projected population and the intensity of future development.

Policy 12.2

Planning for public facility and service expansions should consider the area's suitability for urbanization based upon environmental constraints, existing and future land uses, and the availability of other facilities and services. The provision of public facilities and services shall be encouraged within existing or future service areas as designated in this Comprehensive Plan, unless an overriding public benefit can be demonstrated, in an effort to limit urban sprawl. Plans

for the expansion of existing facilities, services and corridors or the construction of new facilities, services and corridors should include measures to mitigate negative impacts upon the surrounding area during construction.

Policy 12.3

Future public facility sites and corridors should be identified in currently undeveloped areas to anticipate and plan for the needs of future development**.**

Rights of Way Needs

Policy 12.4

Brevard County should coordinate with appropriate authorities including, but not limited to, the Florida Department of Transportation, the Brevard County MPO, and affected municipalities in defining right-of-way needs for proposed roadway improvements, extensions or new corridors and establishing mechanisms for right-of-way acquisition and protection, as identified in the Transportation Element of this Comprehensive Plan.

Public Drainage Facilities Needs

Policy 12.5

The provision of public drainage facilities should be contingent upon the Master Surface Storm water management plan, recommended in the Surface Water Management Element of this Comprehensive Plan, which will identify deficiencies and establish priorities for facility improvements.

Community Facilities Needs (Fire and Police Stations, Libraries, Schools, Water Facilities, and Prisons)

Policy 12.6

Brevard County shall designate, acquire or dedicate adequate and appropriate lands for community facilities, such as public schools, water system facilities, fire and emergency medical services, police protection, and libraries as established in the Capital Improvements Element of this Comprehensive Plan based upon the following minimum criteria:

Criteria:

A. Fire and emergency medical service stations should be located so as to provide a level of service consistent with the response time goals adopted by the Emergency Medical Services Advisory Council. Access should be available to roadways of sufficient capacity to allow for emergency vehicle accessibility.

B. Sheriff offices should be located so as to minimize the response time within the districts to be served. Districts should be comprised of a homogeneous area, not limited by natural or physical barriers such as water bodies, major transportation corridors or railroads. Stations should be located near concentrations of commercial or industrial uses and the areas with the highest crime rates. Access should be available to roadways of sufficient capacity to allow for vehicle accessibility.

C. New public library sites should be located at least five miles from existing public libraries.

C. Sites for correctional facilities should be of sufficient size, no less than 50 acres, to allow for a secure compound and to limit the impacts upon the surrounding community. The site should be located within 15 miles of the communities which provide staff or other support and at least 1/2 mile from the nearest residential area. The population within a two-mile radius of the site should not exceed 1,000.

D. To the extent allowed by law, the construction of a new Community Water System (per 62-550.200(12), F.A.C.) located within the unincorporated area of Brevard County which is designed to serve at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents, shall be reviewed and approved by Brevard County. This review shall be limited to those construction activities which increase existing or create new supply, treatment or storage facilities. Brevard County review shall be consistent with the provisions of Brevard County Ordinance No. 2003-32 and the consents recited therein.

Public School Needs

Policy 12.7

Brevard County should encourage the School Board to locate public schools in accordance with the following criteria:

Criteria:

A. School facilities should be centrally located within the residential areas to be served and should be of sufficient size to accommodate the projected enrollment.

B. Convenient pedestrian access to school sites is desirable.

C. Locations on major roadways, in commercial or industrial areas should be avoided to limit the hazards of vehicular traffic, and to minimize disturbances from noise, odors or fumes.

D. Joint locations with recreational facilities should be encouraged.

E. The general location of school facilities should be consistent with the comprehensive plan of the appropriate local governing body developed pursuant to provisions of Chapter 163., F.S.

Concurrency Evaluation Practices

Policy 12.8

Brevard County shall continue to utilize a concurrency evaluation system to review the impacts of all development proposals on existing public facilities to ensure that service levels are not degraded below acceptable level of service standards as adopted in this Comprehensive Plan.

Policy 12.9

Brevard County shall continue to implement a concurrency evaluation system using Best Evaluation Practices, and shall conduct and apply the system, and any subsequent system, in accordance with the following criteria:

Criteria:

A. The concurrency evaluation system shall measure the potential impact of any development order or permit proposal upon the established minimum acceptable level of service for a roadway, solid waste, potable water, drainage, sanitary sewer or park facility or service.

B. The most current available information and data regarding the above public facilities or services operating levels of service shall be utilized for concurrency evaluations.

C. If the concurrency evaluation test finds that any development order proposal will cause a deficiency on any public facility or service serving the proposed development site for which a minimum acceptable level of service has been established, Brevard County reserves the authority to deny or defer the development proposal, to cause the development order proposal to be modified to achieve consistency with the minimum acceptable levels of service, or to process it as a conditional development order proposal pursuant to Policy 12.10.

E. A non-deficiency finding for a development order proposal by a concurrency evaluation test shall remain valid for the following prescribed time-frames, provided the permit application is submitted within 180 days after the date of the test results:

1. For a site development plan approval, the finding shall remain valid for a period not to exceed 18 months, except where the intensiveness of the approved use is exceeded. In the latter instances, another concurrency evaluation test shall be required.

2. For a residential subdivision, or phase or unit thereof, including residential subdivision phases of planned unit developments, the finding shall remain valid for a period not to exceed 36 months from the date of the construction permit's approval, providing the work authorized proceeds in a timely manner.

3. For a commercial, industrial or multi-family building permit, the finding shall remain valid until construction has been completed and a certificate of occupancy issued; or for the life of the permit until it is revoked or suspended for failure to proceed in a timely manner as prescribed.

E. A non-deficiency finding for an individual single-family development proposal shall remain valid for 24 months, provided a construction building permit is obtained within that timeframe, and work authorized proceeds in a timely manner.

F. Concurrency evaluation tests for commercial and industrial subdivisions, for the purpose of approving a final development order, shall be conducted as a component of a development agreement, and if concurrency is found or guaranteed, the timeframe for the finding's validity shall be set forth in the agreement.

G. Property owners shall have the option of pursuing a development agreement with Brevard County as provided for in Policy 13.2 as opposed to the reliance upon a development permit.

H. The concurrency evaluation system shall maintain a cumulative record of the level of service allocations permitted by the approval of final development orders relative to the operating levels of service for all applicable public facilities and services which have established levels of service.

Conditional Approval of Development Orders Which May Result in Concurrency Deficiencies
Policy 12.10

If the concurrency evaluation test indicates that the potential impact of a proposed rezoning, site development plan, subdivision or building development order will cause a deficiency to occur to minimum acceptable level of service, Brevard County may conditionally approve the development order pursuant to the policies of the Capital Improvements Element.

Co-location Opportunities for Aero-Space Related Development
Policy 12.11

Brevard County shall secure long term global economic opportunity for its residents by maximizing its advantages of unique space-related resources, high tech manufacturing, transportation systems, education strategies, telecommunications industries and geographic location. The County, in cooperation with the State of Florida, will capitalize on the National Space Policy and growth in this industry by encouraging technology driven development proposals within the boundaries of the County.

LAND DEVELOPMENT REGULATIONS
Objective 13

Brevard County shall manage growth and development through the preparation, adoption, amendment, implementation and enforcement of the Land Development Regulations which fulfill the intent of this Comprehensive Plan.

Regulations to Implement the Comprehensive Plan
Policy 13.1

Brevard County shall maintain Land Development Regulations to implement this Comprehensive Plan which, at a minimum, meet the requirements of Chapter 163, F. S. governing County and Municipal Planning and Land Development Regulation.

Regulations to Permit Development Agreements
Policy 13.2

Brevard County shall provide for provisions in the Land Development Regulations that allow Brevard County to enter into development agreements with property owners, consistent with the Comprehensive Plan, pursuant to the requirements set forth in Chapter 163 F.S., the "Florida Local Government Development Agreement Act," with the following additional requirements:

Criteria:

A. A description of the level of service allocations to be permitted by the development agreement;

B. Specific dates shall be identified that define the development's phasing, if applicable, and the commencement and completion of construction in each phase.

C. Contrary to the requirement of Chapter 163, F. S., the duration shall not exceed five years, unless extended by mutual agreement according to prescribed due process.

Regulations for Zoning Classifications to be Consistent with the Future Land Use Map
Policy 13.3

The Land Development Regulations shall designate adequate zoning classifications for the location of residential and non-residential development activities which implement the Future Land Use Element, Housing Element, and Future Land Use Map.

Regulations to Require Economic and Environmental Impact Assessments
Policy 13.4

As directed by the Board of County Commissioners, all new land development regulations prepared pursuant to this Comprehensive Plan should include an economic and environmental impact assessment for the public and private sectors.

Establishment of Zoning Classifications to Meet Residential Needs
Objective 14

Brevard County shall maintain zoning regulations as part of its Land Development Regulations to establish adequate zoning classifications for residential development in terms of allowing for a variety of housing types while providing residents with choices in terms of residential locations.

General Zoning Regulations Criteria
Policy 14.1

Zoning regulations shall adhere to the following criteria:

Criteria:

A. Residential zoning classifications shall be designated for single family, multi-family, and mobile home developments to meet the housing needs demonstrated in the Housing Element of this Comprehensive Plan.

B. The densities of these classifications, as applied, shall not exceed those established for each residential designation as adopted on the Future Land Use Map, unless otherwise provided for by this Element.

C. Proposed locations for residentially-zoned lands should be consistent with the residential designations shown on the Future Land Use Map and consistent with this Comprehensive Plan.

D. At a minimum, residential zoning classifications shall provide for a variety of minimum lot sizes, minimum floor areas, setbacks, and residential land use mixes that allow for choice in housing types, designs and price levels. These residential

zoning classifications shall provide for both urban and rural residential environments.

Zoning Regulations to Promote Creative Utilization of Land
Policy 14.2

Zoning regulations should continue to provide for flexibility regarding development patterns and land use mix. The County encourages implementation of innovative residential and commercial development patterns and lot layout techniques which achieve efficient use of public resources, reduced land consumption, and preservation of interconnected open spaces. These techniques include:

Criteria:

A. The Planned Unit Development concept, where appropriate, to encourage creativity in development design, provision of connected open spaces, protection of environmental features, and an integrated mix of residential and non-residential land uses and employment opportunities.

B. The use of zero-lot line residential development patterns, shared driveways and reduced setbacks, where appropriate, to encourage more compact subdivision layouts and to generally provide increased flexibility in the design and use of the lot area.

C. Designed integration of residential, employment and commercial uses as permitted in the context of this Element, to promote compact mixed use development patterns within a single structure or complex of structures.

D. Mixed use developments to promote efficient use of land and public resources by integrating neighborhood support services and employment centers with residential uses. Mixed use patterns should be implemented and achieved through the use of performance standards and other mitigating techniques to ensure compatibility between land uses.

E. Creative clustering of residential and commercial lots and streets which preserve undisturbed vegetative corridors and consolidate cleared land areas. Innovative techniques may include reduced lot sizes, shared driveways and other design features. In furtherance of the County's Master Plan of Linear Open Spaces, clustered development schemes which permanently preserve interconnected networks of open space within subdivisions and link same with adjacent subdivisions and parks will be considered for density bonuses or other development incentives (Figure 2 in the Appendix depicts an example of a clustered land development technique in comparison with a conventional subdivision layout).

CONSISTENCY WITH COMPREHENSIVE PLAN, ZONING AND LAND DEVELOPMENT REGULATIONS

Objective 15

Brevard County shall eliminate inconsistencies between the Comprehensive Plan and the zoning regulations of the Land Development Regulations, and thereafter, shall reduce the number of existing land uses which are non-conforming to the Comprehensive Plan.

Authority to Initiate Administrative Actions

Policy 15.1

Brevard County retains the authority to initiate appropriate administrative actions, such as administrative rezonings.

Administrative Rezonings for Consistency with the Future Land Use Map

Policy 15.2

County staff may initiate administrative rezonings for those properties that are found to be inconsistent with the Future Land Use Map at the time of a development permit application.

Criteria:

A. Determination of appropriate zoning classifications for these properties shall be pursuant to the policies and criteria which govern the Future Land Use Map and future land use designations established in this element.

B. The zoning classifications which are appropriate pursuant to the Future Land Use Element and Maps shall be presented as options to the property owner.

Policy 15.3

Brevard County shall continue to administratively rezone those properties with zoning classifications which are inconsistent with the Future Land Use Map, the acceptable levels of service, and this Comprehensive Plan.

Criteria:

A. Administrative rezonings shall not be required for single family or duplex residential lots which meet the requirements of the Brevard County Zoning Code and which are located within Neighborhood Commercial, Community Commercial Agricultural or any residential land use designations.

B. Prior to commencement of the administrative rezonings, small area plans shall be completed by the appropriate County staff for each area. These plans shall consider, at a minimum, compatibility issues, character of the area, environmental constraints, hurricane evacuation capabilities, and the availability of public facilities and services. Advisory committees may be appointed by the Commission to work with staff in the development of these plans and public hearings shall be held for the adoption of these plans.

Provisions for Non-conforming Uses
Policy 15.4

Brevard County shall maintain procedures that address existing land uses which are non-conforming with this Comprehensive Plan. At a minimum, the following criteria shall apply:

Criteria:

A. Non-conforming land uses are those existing development activities which were conforming to the zoning and Comprehensive Plan regulations of Brevard County at the time of record but which are inconsistent with this Comprehensive Plan.

B. Existing non-conforming land uses, damaged beyond 50 percent of their assessed value by natural or man-made causes, shall not be allowed to be reconstructed to a use which is non-conforming to this Comprehensive Plan, except as provided for in the Zoning Code.

C. The addition, expansion or re-establishment of existing non-conforming land uses shall be governed by Chapter 62, Article VI, Division 2, Subdivision II, "Non Conforming Uses" of the Brevard County Land Development Regulations.

Policy 15.5

The following provisions for the development of non-conforming lots to allow for the reasonable use of such properties shall apply. At a minimum, the following criteria shall apply:

Criteria:

A. Non-conforming lots of record are those properties which meet the non-conforming provisions of the Brevard County Zoning Code but which are non-conforming to this Comprehensive Plan and/or Zoning regulations.

B. Non-conforming lots of record may be developed to a use permitted by Chapter 62, Article VI, Division 2, Subdivision II, "Non Conforming Uses" of the Brevard County Land Development Regulations, provided that it is also a use permitted by the Future Land Use Map of this Comprehensive Plan.

C. The Land Development Regulations should continue to include provisions for minimum lot dimensions and setbacks for non-conforming lots of record to ensure that these uses will be compatible with surrounding land uses.

D. If an existing non-conforming lot does not meet the minimum lot size established by this element, relief may be obtained in accordance with the Zoning Code of Brevard County.

Provisions for Pre-existing Uses
Policy 15.6

Brevard County should maintain and enforce criteria for Pre-existing Uses, as defined by the County's Land Development Regulations. Applications for Pre-existing Uses shall be reviewed against the requirements found in the Land Development Regulations.

Preclusion of Development
Policy 15.7

If a land use designation in the Comprehensive Plan is determined to preclude all development of such land and an amendment to the Comprehensive Plan is required, an amendment alleviating the preclusion of development may be considered at the next available transmittal or adoption public hearing of the Comprehensive Plan. A development order consistent with the proposed amendment, may be submitted for review; however, final approval will not be granted until a finding of compliance and after the appeal period pursuant to Chapter 163, F.S.

Provision for Appeals
Policy 15.8

Brevard County shall provide a method of appeals to address alleged errors in any order, requirement, decision or determination made in the enforcement of any ordinance, regulation, law, policy or procedure relative to the Land Use Regulations.

DIRECTIVES

Port St. John Study Area

Brevard County shall implement the recommendations of the Port St. John Small Area Study through the following directive:

1. Residential densities east of the Florida East Coast Railroad from Kings Highway to Camp Road will be implemented by the following densities: East of US-1 to the Indian River from Kings Highway to Camp Road, densities may be a maximum of 12 residential dwelling units per acre. This would include portions of Sections 18, 19 and 30, Township 23, Range 36 and a portion of Section 13, Township 23, Range 35, as generally depicted on Map 9. West of US-1 to the Florida East Coast railroad tracks from Kings Highway to Camp Road, densities may be 12 dwelling units per acre with a maximum cap of 8 residential dwelling units per acre. This would include portions of Sections 13, 18, 19 and 30, Township 23, Range 36 and portions of Sections 13 and 24, Township 23, Range 35, as generally depicted on Map 13.

Canaveral Groves Study Area

Brevard County shall implement the recommendations of the Canaveral Groves Small Area Study through the following directives:

1. The maximum density to be considered for the Friday Acres subdivision, located in Section 14, Township 24, Range 35, shall be three dwelling units per acre (3 du/ac). This area is depicted in Map 14.

2. The maximum density to be considered in a portion of the northeast quarter of Section 15, Township 24, Range 35 shall be five dwelling units per acre (5 du/ac). This area is depicted in Map 14.

3. The maximum density to be considered in the northeastern portion of Section 13, Township 24, Range 35 shall be 6 dwelling units per acre where existing RU-1-9 is designated. The area is depicted on Map 15.

4. All types of commercial uses shall be considered in the neighborhood/community commercial district lying in the portion of Section 27, Township 24, Range 35 north of State Route 524. This area is depicted on Map 15a.

5. The maximum density to be considered in the portion of Section 27, Township 24, Range 35 north of State Route 524 shall be eight dwelling units per acre (8 du/ac). This area is depicted on Map 15b.

North Merritt Island Study Area

Brevard County shall implement the recommendations of the North Merritt Island Small Area Study through the following directives.

1. In the area described as Orange Haven Unrecorded Lots in Section 23, Township 23, Range 36, the residential density designation shall be two (2) dwelling units per acre. This area is depicted on Map 16.

2. In the area described as Parcel 17 and Kings Park Unit #3, Lots 9, 10, 11, 12 not to include the east 100 feet parallel to the west right of way of Eagle Way in Section 26, Township 23, Range 36, the residential density designation shall be four (4) dwelling units per acre. This area is depicted on Map 17.

South Beaches Study Area

Brevard County shall implement the recommendations of the South Beaches Small Area Plan Study through the following directives.

1. The property described as Parcel 4, Sections 33 and 34, Township 28 South, Range 38 East shall be designated with a maximum density of six (6) dwelling units per acre. This area is depicted on Map 18.

2. The property described as Parcels 3, 5 and 6, Section 34, Township 28 South, Range 38 East shall be designated with a maximum density of six (6) dwelling units per acre. This area is depicted on Map 19.

3. The property described as Parcels 763 and 776, Sections 10 and 11, Township 29 South, Range 38 East shall be four (4) dwelling units per acre. This area is depicted on Map 20.

4. The property described as Parcel 3.1, Section 23, Township 29 South, Range 38 East shall be designated as four (4) dwelling units per acre. This area is depicted on Map 21.

5. The property described as Lot 32, Block 7, New Melbourne Beach Subdivision Section 3, Township 29 South, Range 38 East shall be designated with a maximum density of six (6) dwelling units per acre. This area is depicted on Map 22.

6. The properties described in the south 1260 feet of Section 17, Township 28 South, Range 38 East and the properties described as the north 1280 feet of Sections 20 and 21, Township 28 South, Range 38 East shall be limited to the maximum residential densities as depicted on Map 23. The maximum residential density within this directive is eight (8) dwelling units per acre.

7. The properties described in Sections 20 and 21, Township 28 South, Range 38 East, starting 1280 feet from the north section(s) line and ending 3770 feet from the north section(s) line shall be limited to the maximum residential densities range from two (2) dwelling units per acre to eight (8) dwelling units per acre. The area is depicted on Map 24.

Central and South Merritt Island Study Area

Brevard County shall implement the recommendations of the Central and South Merritt Island Small Area Study through the following directives:

1. Within the area depicted on Map 25 (Sections 11, 12, 13, 24 and 25, of Township 25, Range 36 and the western portions of Sections 18, 19 and a portion of Section 30, Township 25, Range 37), the only residential zoning classifications that may be considered in shall be EU, SR, SEU, RR-1, REU, AU, PA, GU, AGR, RRMH-1, RRMH-2.5, RRMH-5 and TR-2. RP residential professional zoning may be considered on South Courtenay Parkway with a minimum lot size consistent with EU zoning and/or the aforementioned zonings. The maximum density within the described area shall be three (3) dwelling units per acre.

Residential Density Rightsizing Study Areas

Avon by the Sea

1. The property described as Winslow Reserve Subdivision #27, Lot 13, in Section 26, Township 24, Range 37 shall have a maximum residential density of 30 dwelling units per acre. This property is depicted on Map 10**.**

2. The property described as Avon by the Sea Subdivision #CG, Block 101, Lots 12, 12.01, and 14 shall have a maximum residential density of 30 dwelling units per acre. This property is depicted on Map 10.

3. The property described as Avon by the Sea Subdivision #CG, Block 101, Lots 2, 3, 4, and 5 shall have a maximum residential density of 30 dwelling units per acre. This property is depicted on Map 10.

Merritt Island Area

1. The property described as Moore and Catine Subdivision #52, Lot 13, Section 35, Township 24, Range 36 shall have a maximum residential density of 30 dwelling units per acre. This property is described on Map 11.

South Cocoa Beach Area

1. The property described as Bruner's Resubdivision #25, Block A, Lot 6, Section 26, Township 25, Range 37 and the property described as Birchfield and Bruner's Addition #26, Block B, Lot 1, Section 26, Township 25, Range 37 shall have a maximum residential density of 30 dwelling units per acre. These properties are depicted on Map 12.

APPENDIX A

LIST OF MAPS

Map	Name
1	Brevard County Florida
2	Conservation Areas
3	Land Use Planning Areas
4	Limitations to Development General Soil Map
5	Lands Platted or Recorded with Development Limitations
6	Community Development Block Grant - Target Areas
7	Viera New Town Overlay
8	City of Titusville and Mim's Wellfields
9	Community Overlay for Port St. John
10	Residential Density Rightsizing Study – Avon by the Sea Area
11	Residential Density Rightsizing Study – Merritt Island Area
12	Residential Density Rightsizing Study – South Cocoa Beach Area

LIST OF FIGURES

Figure	Name
1	Illustrative Examples of Commercial Infill vs. Extension of Strip Development
2	Comparative Depiction of Conventional vs. Clustering Land Development Techniques

FIGURE 1

ILLUSTRATIVE EXAMPLES
OF
COMMERCIAL INFILL vs. EXTENSION OF STRIP DEVELOPMENT*

*Fostering expansion of strip commercial development is discouraged by Policy 2.15. Infill of existing Community Commercial strip development patterns is preferred, as depicted in the above diagram. The following criteria are applied:

Criteria:

1. Infill is considered the establishment of new commercial activities adjacent to and in between existing commercial activities whereby strips of commercial uses are not increased in length.

2. In accomplishing infill, the new commercial site must be of sufficient size. The following guidelines shall be considered in determining the adequacy of the site size:
   a. Setbacks;
   b. Off-street parking;
   c. Off-street loading/unloading spaces;
   d. Landscaping and buffering;
   e. Access; and
   f. Storm water facilities.

FIGURE 2

COMPARATIVE DEPICTION OF

CONVENTIONAL VS. CLUSTERING LAND DEVELOPMENT TECHNIQUES

(See Policy 14.2.E)

APPENDIX 10.6

EXISTING STATE PERMITS

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMIT NO. FL0001473

MANATEE PROTECTION PLAN

PCC

NPDES/IWW expires 2/23/04

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Jeb Bush
Governor

David B. Struhs
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In the matter of:
Approval of FPL Cape Canaveral Power Plant
Manatee Protection Plan

DEP Permit No. FL0001473
Brevard County

Mr. Ron Hix
FPL-5ES/JB
Florida Power & Light Company (FPL)
P. O. Box 14000
Juno Beach, FL 33408

NOTICE OF AGENCY ACTION

The Department of Environmental Protection hereby gives notice of its approval of the enclosed Manatee Protection Plan for the FPL Cape Canaveral Plant, dated August 8, 2000. The Manatee Protection Plan was completed pursuant to Specific Condition 13 of the above referenced permit.

A person whose substantial interests are affected by the Department action may petition for an administrative hearing in accordance with sections 120.569 and 120.57 of the Florida Statutes.

The petition must contain the information set forth below and must be filed (received) in the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within twenty-one days of receipt of this notice of intent. Petitions filed by any other person must be filed within twenty-one days of publication of the public notice or within twenty-one days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:
(a) The name, address, and telephone number of each petitioner; the Department case identification number and the county in which the subject matter or activity is located;

(b) A statement of how and when each petitioner received notice of the Department action;
(c) A statement of how each petitioner's substantial interests are affected by the Department action;
(d) A statement of the material facts disputed by the petitioner, if any;
(e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
(f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action; and
(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this order. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under section 120.573 of the Florida Statutes is not available for this proceeding.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

Any party to the order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Mimi Drew
Director
Division of Water Resource Management

2600 Blair Stone Road
Tallahassee, FL 32399-2400
(850) 487-1855

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF AGENCY ACTION and all copies were mailed before the close of business on 12-21-00 to the listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under section 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

S. Shields 12-21-00
(Clerk) (Date)

Copies furnished to:

Kipp Frohlich, FWC Tallahassee
Chairman, Board of Brevard County Commissioners
Jim Valade, U.S. Fish and Wildlife Service
Save the Manatee Club
Christianne Ferraro, DEP Orlando
Betsy Hewitt, DEP Office of General Counsel

Florida Power & Light - Cape Canaveral Plant
Manatee Protection Plan
(August 8, 2000)

Purpose:

The purpose of the Cape Canaveral Plant Manatee Protection Plan is to set forth Florida Power & Light Company's (FPL) procedures to comply with Specific Condition 13 of the facility's State Industrial Wastewater Permit Number FL0001473 that was issued on February 24, 1999. This Specific Condition reads, in part:

13. The permittee, in so far as required to comply with Tasks 25 and 251 of the U.S. Fish and Wildlife Service (USFWS) "Florida Manatee Recovery Plan," shall develop a plan and procedures addressing potential manatee impacts, ...All plans, if required, shall include an implementation schedule and address, at a minimum:

    (a) Plans to minimize disruption to warm-water outflows during the winter and response procedures in case of disruptions.

    (b) Strategy to maintain discharge temperatures that will sustain manatees during cold events.

    (c) Plan to monitor ambient and discharge temperatures.

    (d) Precautions to minimize hazards to manatees at intake and outfall areas.

    (e) Timely communication to manatee recovery program personnel of any long term changes in the availability of warm water.

Compliance with Specific Condition 13:

1. This Manatee Protection Plan will be in effect during the term of the permit. In order for the plant's warm water discharge to provide a safe, warm water refuge for the manatees and to comply with Specific Condition 13, FPL will take the following actions:

    a) In the case of an unplanned shutdown or a plant failure occurring that will affect the warm water refuge from November 15 through March 31, when the ambient water temperature is below 61°F., the Florida Fish and Wildlife Conservation Commission (FWCC) and USFWS will be notified no later than four (4) hours after the event has occurred. If an unplanned shutdown occurs that is expected to result in no thermal discharge for 24 hours or longer, regardless of ambient water temperature, the Florida Marine Research Institute should be notified.

The following agency representatives shall be notified in the above referenced event or if any distressed manatees are observed at any time:

FWCC - Florida Marine Research Institute - Marine Mammal Pathobiology Lab: (727)-893-2904

USFWS - Jacksonville Field Office: (904) 232-2580

The FWCC, Bureau of Protected Species Management (BPSM) shall be provided a schedule of any anticipated in-water work within the discharge area or work that will affect the warm water refuge during the period of November 15 through March 31 each year. No routine in-water maintenance work shall occur in the discharge area from November 15 through March 31, unless it is considered essential by FPL and approved by BPSM prior to the start of work. If emergency in-water work is needed, the BPSM will be notified and consulted no later than two weeks following the commencement of the activity. All vessels used in the operation or associated with the activity shall be operated pursuant to the attached standard manatee construction conditions.

b) From November 15 through March 31 each year, to coincide with the time of greatest manatee abundance, if the ambient water temperature falls below 61°F., as measured at the plant intake, the FPL Cape Canaveral plant shall endeavor to operate in a manner that maintains the water temperature in an adequate portion of the discharge area, for at least one unit, at or above 68°F., until such time as the intake water temperature reaches 61°F., unless otherwise authorized by BPSM and the USFWS, or unless safety or reliability of the plant would be compromised.

c) The FPL Cape Canaveral power plant will provide personnel from the BPSM, USFWS, Florida Marine Research Institute, USGS-Sirenia Project, or a designee of these agencies, access to the FPL Cape Canaveral power plant property to conduct manatee research or monitoring activities which may include, placing, maintaining and downloading data from temperature data loggers. (These temperature data loggers will be used to collect air and water temperature data in an ongoing research effort to better understand manatee behavior patterns in response to artificial warm water refugia and environmental variables. The temperature data loggers will be placed in the discharge area and at ambient water and air locations). Access would be limited to normal business hours (8:00am - 5:00pm) unless arrangements are made in advance with the FPL Cape Canaveral power plant.

d) Intake Area: No special surveys will be required for the intake area.

Discharge Area: No special surveys will be required for the discharge area.

e) Should FPL decide to retire these units, notice will be provided to FWCC and USFWS as soon as practical after a definite decision is made or, if possible, at least five years prior to the date of retirement.

f) To assist in documenting long-term use patterns of this facility, FPL should conduct periodic aerial surveys of manatees at the Cape Canaveral facility. The continuation of the ongoing statewide aerial survey that FPL has funded in the past years meets these criteria.

g) The FPL Cape Canaveral Power Plant will provide phone numbers for weekday and weekend notification of appropriate plant personnel for the purpose of allowing FWCC or USFWS to coordinate manatee rescue operations as necessary.

2.) FPL actions, pursuant to this plan, that are conducted on a one-time basis unless there are significant physical or operational changes to the FPL Cape Canaveral power plant.

a) Provide a site map of the facility as a part of the plan that includes the following information;

1. The location of the intake pipes and discharge pipes.
2. Proximate streams, rivers, bays, etc.
3. The location of the condenser inlet and outlet temperature monitoring devices.
4. The location of any fuel barge docking facilities in relation to the discharge area.
5. The delineation of the no-entry boundary at the discharge area.

b) In order to evaluate and determine what portions of the thermal discharge will provide a sufficient warm water refuge for manatees under potential cold stress water conditions; the FPL Cape Canaveral power plant will, within two (2) years of the effective date of this plan, provide a profile of the thermal gradient (either actual or calculated) of the discharge area waters, as well as its gross bathymetry, at the mean rate of discharge when the ambient water temperature reaches a seasonal low.

Note: The "Thermal Analysis" conducted by FPL in January, 1996 and submitted to the FWCC meets the first requirement above ("... provide a profile of the thermal gradient (either actual or calculated) of the discharge area waters...").

FLORIDA POWER & LIGHT – CAPE CANAVERAL POWER PLANT
MANATEE PROTECTION PLAN

1a) STANDARD MANATEE CONSTRUCTION CONDITIONS FOR ARTIFICIAL WARM WATER REFUGIA DURING THE PERIOD OF NOVEMBER 15 THROUGH MARCH 31.

The permittee shall comply with the following manatee protection conditions:

a. The permittee shall instruct all personnel associated with in-water work within the discharge canal and/or the warm water refuge of the potential presence of manatees and the need to avoid collisions with manatees. All vessels used in the operation or in association with the in-water work shall have an observer on board responsible for identifying the presence and location of manatee(s).

b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.

c. All vessels associated with in-water work associated with the discharge canal and/or warm water refuge shall operate at "no wake/idle" speeds at all times while in the manatee warm water refuge area. All vessels will follow routes of deep water whenever possible.

d. If manatee(s) are seen within the discharge canal and/or warm water refuge area all appropriate precautions shall be implemented to ensure protection of the manatee(s). These precautions shall include the immediate shutdown of equipment if necessary. Activities will not resume until the manatee(s) has departed to a safe distance on its own volition.

e. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Wildlife Conservation Commission at 1-888-404-FWCC (1-888-404-3922). Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580).

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
CONSUMPTIVE USE PERMIT NO. 10652

PERMIT NO. 10652 **DATE ISSUED:** October 9, 2001
PROJECT Cape Canaveral Plant

A PERMIT AUTHORIZING:

The District authorizes, as limited by the attached permit conditions, the use of up to 91.3 million gallons per year of groundwater from the Surficial aquifer, 54.75 million gallons per year from the Brevard County Sewer Authority, and 300,395 million gallons per year of surface water from the Indian River Lagoon for electrical power generation.

LOCATION:

Site: Cape Canavaral Plant
Brevard County
Section(s): 19 Township(s): 23S Range(s): 36E

ISSUED TO:

Florida Power and Light company
6000 North US Highway 1
Cocoa, FL 32927

Permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all maps and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to permittee any property rights nor any rights of privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes and 40C-1, Florida Administrative Code.

PERMIT IS CONDITIONED UPON:

See conditions on attached "Exhibit A", dated October 9, 2001

AUTHORIZED BY: St. Johns River Water Management District
Department of Resource Management

By: _____
Harold A. Wilkening III
Director

By: _____
Kirby B. Green, III
Assistant Secretary

"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 10652
FLORIDA POWER AND LIGHT COMPANY
DATED OCTOBER 9,2001

1. District Authorized staff, upon proper identification, will have permission to enter, inspect and observe permitted and related facilities in order to determine compliance with the approved plans, specifications and conditions of this permit.

2. Nothing in this permit should be construed to limit the authority of the St. Johns River Water Management District to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, or to formulate a plan for implementation during periods of water shortage, pursuant to Section 373.246, Florida Statutes. In the event a water shortage, is declared by the District Governing Board, the permittee must adhere to the water shortage restriction as specified by the District, even though the specified water shortage restrictions may be inconsistent with the terms and conditions of this permit.

3. Prior to the construction, modification, or abandonment of a well, the permittee must obtain a Water Well Construction Permit from the St. Johns River Water Management District, or the appropriate local government pursuant to Chapter 4OC-3, Florida Administrative Code. Construction, modification, or abandonment of a well will require modification of the consumptive use permit when such construction, modification or abandonment is other than that specified and described on the consumptive use permit application form.

4. Leaking or inoperative well casings, valves, or controls must be repaired or replaced as required to eliminate the leak or make the system fully operational.

5. Legal uses of water existing at the time of the permit application may not be interfered with by the consumptive use. If unanticipated interference occurs, the District may revoke the permit in whole or **in** part to curtail or abate the interference unless the permittee mitigates for the interference. In those cases where other permit holders are identified by the District as also contributing to the interference, the permittee may choose to mitigate in a cooperative effort with these other permittees. The permittee must submit a mitigation plan to the District for approval prior to implementing such mitigation.

6. Off-site land uses existing at the time of permit application may not be significantly adversely impacted as a result of the consumptive use. If unanticipated significant adverse impacts occur, the District shall revoke the permit in whole or in part to

curtail or abate the adverse impacts, unless the impacts can be mitigated by the permittee.

7. The District must be notified, in writing, within 30 days of any sale, conveyance, or other transfer of a well or facility from which the permitted consumptive use is made or within 30 days of any transfer of ownership or control of the real property at which the permitted consumptive use is located. All transfers of ownership or transfers of permits are subject to the provisions of section 40C-1.612, Florida Administrative Code.

8. A District-issued identification tag shall be prominently displayed at each withdrawal site by permanently affixing such tag to the pump, headgate, valve or other withdrawal facility as provided by Section 40C-2.401, Florida Administrative Code. Permittee shall notify the District in the event that a replacement tag is needed.

9. Landscape irrigation is prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as follows:

a) Irrigation using a micro-irrigation system is allowed anytime.

(b) The use of reclaimed water for irrigation is allowed anytime, provided appropriate signs are placed on the property to inform the general public and District enforcement personnel of such use. Such signs must be in accordance with local restrictions.

(c) Irrigation of, or in preparation for planting, new landscape is allowed any time of day for one 30 day period provided irrigation is limited to the amount necessary for plant establishment.

(d) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed anytime within 24 hours of application.

(e) Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten minutes per hour per zone.

10. All submittals made to demonstrate compliance with this permit shall have the CUP number 10652 plainly labeled on the submittal.

11. This permit will expire 20 years from the date of issuance.

12. The maximum annual groundwater withdrawal from the Surficial aquifer for electrical power generation must not exceed 91.3 million gallons in the years 2001 through 2006.

13. The maximum daily groundwater withdrawals must not exceed 0.562 million gallons.

14. If the use of reclaimed water from the Brevard County Sewer Authority is deemed feasible, the maximum annual groundwater withdrawal from the Surficial aquifer for electrical power generation must not exceed 36.55 million gallons in years 2007 through 2021 (based on an available reclaimed volume of 0.15 million gallons per day from the Brevard County Port St. John Wastewater Facility). If a connection to the Brevard County Port St. John Wastewater Facility has not been completed then the maximum annual groundwater withdrawal from the Surficial aquifer for electrical power generation must not exceed 91.3 million gallons until the time that connection to reclaimed is complete

15. Maximum annual withdrawals from Surficial aquifer as an emergency backup for electrical power generation must not exceed 54.75 million gallons in the years 2007 through 2021. All available reclaimed water must be utilized prior to using groundwater. The use of groundwater as an emergency supplemental source must be reported separately along with the EN-50 reports outlined in Other Permit Condition No. 10. Documentation verifying the insufficient reclaimed water availability must also be included.

16. The annual surface withdrawal from the Indian River Lagoon for electrical power generation must not exceed 300,395 million gallons per year in the year 2001 through 2021.

17. By December 31, 2003, the permittee must submit a reuse feasibility report to the District. The report must include an executed contractual agreement with Brevard County Sewer Authority that requires the Brevard County Sewer Authority to provide, and the permittee to take and utilize, a minimum of 0.15 million gallons per day of reclaimed water based on an annual average basis. The report must also evaluate whether reclaimed water quality for 2000, 2001, 2002, and the first half of 2003 will meet the permittee's requirements and include a cost evaluation to design, manufacture and install a water delivery system and a dual source water supply system.

18. The use of reclaimed water from the Brevard County Sewer Authority must be implemented by December 31, 2006, if deemed feasible by District staff.

19. The lowest quality water source, such as reclaimed water and surface/storm

water, must be used as irrigation water and process water when available and deemed feasible pursuant to District rules and applicable state law.

20. The permittee has elected to implement an alternative method for Surficial aquifer wells **2 (4277), 3 (4278), 4 (33152), 5 (4280), 6 (4281), 7 (33153), 8 (4283), 9 (4284), 10 (4285), 11 (4286), 12 (4287),** and **13 (4288)** which utilizes an hour meter in conjunction with the measured flow rate for the well as a basis for calculating the quantity of water withdrawn from the well. The method'must be implemented as documented in the Alternative Method Criteria Checklist. The permittee may not alter the approved alternative method without prior written approval from the District. The method must maintain 90% accuracy and be verifiable. **If** after a period **of** one year, the selected alternative does not meet the accuracy criteria, totalizing flow meters or another District-approved alternative must be used. If flow meters are used, the meters must maintain **95%** accuracy, be verifiable and be installed according to manufacturer specifications.

21. Total withdrawal from surficial aquifer wells **2 (4277), 3 (4278), 4 (33152), 5 (4280), 6 (4281), 7 (33153), 8 (4283), 9 (4284), 10 (4285), 11 (4286), 12 (4287),** and **13 (4288),** the proposed reclaimed interconnection point **P-1 (34017),** and from the Indian River Lagoon must be recorded continuously, totaled monthly, and reported to the District every six months for the duration of the permit using District Form No. **EN-50.** The reporting dates each year will be as follows:

Reporting Period	Report Due Date
January - June	July **31**
July - December	January **31**

22. The permittee must maintain the meters. In case of failure or breakdown of any meter, the District must be notified in writing within **5** days **of** its discovery. The defective meter must be repaired or replaced within **30** days of its discovery.

23. If flow meters are installed in place of the hour meters on wells **2 (4277), 3 (4278), 4 (33152), 5 (4280), 6 (4281), 7 (33153), 8 (4283), 9 (4284), 10 (4285), 11 (4286), 12 (4287),** and **13 (4288)** then the permittee must have the flow meters calibrated once every **3** years within **30** days of the anniversary date of permit issuance, and recalibrated if the difference between the actual flow and the meter reading is greater than **5%.** District Form **No. EN-51** must be submitted to the District within **10** days of the inspection/ calibration.

24. The permittee must have wells 5 **(4280)** and **8 (4283)** rehabilitated and put into production within three years of issuance of this permit.

25. The permittee must follow the proposed well field management plan which includes pumping the wells in the following groups: Group I - wells 6 (4281), 11 (4286), 13 (4288); Group II - wells 3 (4278), 9 (4284), and 12 (4287); Group III - wells 2 (4277), 4 (33152), 7 (33153), and 10 (4285). The pumping schedule must rotate well groups every 5th day. If the District determines that unacceptable saline water intrusion is occurring as a result of the withdrawals authorized by this permit, the District shall revoke the permit in whole or in part to curtail or abate the saline water intrusion.

26. Water samples for chloride must be collected every two months from Surficial aquifer wells 2 (4277), 3 (4278), 4 (33152), 5 (4280), 6 (4281), 7 (33153), 8 (4283), 9 (4284), 10 (4285), 11 (4286), 12 (4287), and 13 (4288) by the permittee, in accordance with a District approved QNQC program for chloride. The results of the analysis must be submitted to the District starting July 31, 2002 and then every six months for the duration of the permit along with the mid-year water use submittals following the sampling event. If an evaluation of two years of chloride data indicates that unacceptable saline water intrusion is not occuring, then the chloride sampling frequency may be decreased to semi-annually. If the District determines that unacceptable saline water intrusion is occurring as a result of the withdrawals authorized by this permit, the District shall revoke the permit in whole or in part to curtail or abate the saline water intrusion.

27. Water quality samples must be collected from Surficial aquifer wells 2 (4277), 6 (4281), 8 (4283), 10 (4285), and 12 (4287) by the permittee, in accordance with a District approved QNQC program once a year beginning on May 15, 2002. The samples shall be analyzed for the following parameters: pH, Ca, Cl, Mg, Na, K, SO4, CO3, HCO3, total dissolved solids, total alkalinity, chloride, and total hardness.
The results will be submitted to the District with the mid-year water use submittals following the sampling event. All major ion analyses must be performed on filtered samples, and must be checked for a cation-anion balance of less than 10%. If a 10% error margin is exceeded in either sample, an additional sample must be collected within 24 hours and reanalyzed.
If the District determines that unacceptable saline water intrusion is occurring as a result of the withdrawals authorized by this permit, the District shall revoke the permit in whole or in part to curtail or abate the saline water intrusion.

28. The permittee shall submit, to the District, a compliance report pursuant to subsection 373.236(3), F.S., 5, 10 and 15 years after permit issuance. Specifically, the permittee shall submit the report by October 15 of the years 2006, 2011, and 2016. The report shall contain sufficient information to demonstrate that the permittee's use of water will continue, for the remaining

duration of the permit, to meet the conditions for permit issuance set forth in the District rules that existed at the time the permit was issued by the District. At a minimum, the compliance report must:

a.) meet the submittal requirements of section 4.2 of the Applicant's Handbook: Consumptive Uses of Water, February 8, 1999;

b.) include documentation verifying that the source is capable of supplying the needs authorized by this permit without causing harm to water resources;

c.) include documentation verifying that use of water is efficient and that the permittee is implementing all feasible water conservation measures;

d.) document that significant saltwater intrusion is not occurring; and

e.) include information documenting that the projected allocation is needed.

St. Johns River
Water Management District

Kirby B. Green III, Executive Director. John R. Wehle, Assistant Executive Director

Post Office Box 1429 • Palatka, FL 32178-1429 • (386)329-4500

October 9,2001

Florida Power and Light company
6000 North US Highway 1
Cocoa, FL 32927

SUBJECT: Consumptive Use Permit Number 10652
Cape Canaveral Plant

Dear Sir/Madam:

Enclosed is your permit and the forms necessary for submitting information to comply with conditions of the permit as authorized by the St. Johns River Water Management District on October 09,2001.

Permit issuance does not relieve you from the responsibility of obtaining permits from any federal, state and/or local agencies asserting concurrent jurisdiction over this work.

The enclosed permit is a legal document and should be kept with your other important records. Please read the permit and conditions carefully since the referenced conditions may require submittal of additional information. All information submitted as compliance with permit conditions must be submitted to the nearest District Service Center and should include the above referenced permit number.

Please be advised that the period of time within which a third party may request an administrative hearing on this permit may not have expired by the date of issuance. A potential petitioner has twenty-six (26) days from the date on which the actual notice is deposited in the mail, or twenty-one (21) days from publication of this notice when actual notice is not provided, within which to file a petition for an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes. Receipt of such a petition by the District may result in this permit becoming null and void.

Sincerely,

Gloria Lewis, Director
Permit Data Services Division

Enclosures: Permit, Conditions for Issuance, Compliance Forms, Map, Well Tags

cc: District Permit File

GOVERNING BOARD

William Kerr, CHAIRMAN MELBOURNE BEACH
Ometrias D Long VICE CHAIRMAN APOPKA
Jeff K Jennings, SECRETARY MAITLAND
Duane Ottenstroer, TREASURER JACKSONVILLE
Ann T Moore BUNNELL
Michael Branch FERNANDINA BEACH
Catherine A Walker ALTAMONTE SPRINGS
Clay Albright EAST LAKE WEIR
David G Graham JACKSONVILLE

FDEP TITLE V AIR OPERATING PERMIT

RENEWAL NO. 0090006-003-AV

Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

NOTICE OF FINAL PERMIT

In the Matter of an
Application for Permit by:

Mr. Lowell Trotter
Plant General Manager
Florida Power & Light Company
Environmental Services Department
P.O. Box 14000
Juno Beach, FL 33408

FINAL Title V Permit Renewal No. **0090006-003-AV**
Cape Canaveral Plant

Enclosed is FINAL Title V Permit Number 0090006-003-AV for the operation of the Cape Canaveral Plant, located on the West side of the Indian River, approximately eight miles north of Cocoa, Florida on U.S. Highway No. 1, Brevard County, issued pursuant to Chapter 403, Florida Statutes (F.S.).

An electronic version of this permit renewal has been posted on the Division of Air Resource Management's world wide web site for the United States Environmental Protection Agency (U.S. EPA) Region 4 office's review. The web site address is:

http://www.dep.state.fl.us/air/eproducts/airpermit/AirSearch.asp

Any party to this order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Legal Office; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 (thirty) days from the date this Notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.

Trina L. Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF FINAL PERMIT (including the FINAL permit) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 12/16/04 to the person(s) listed or as otherwise noted:

Mr. Lowell Trotter*
Ms. Mary Archer, Florida Power & Light Company
Mr. Len Kozlov, P.E., Central District Office
U.S.EPA, Region 4 (INTERNET E-mail Memorandum)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency Clerk, receipt of which is hereby acknowledged.

Barbara J. Tuday 12/16/04
(Clerk) (Date)

FINAL PERMIT DETERMINATION

I. Comment(s).

No comments were received from Region 4, U.S.EPA, concerning the PROPOSED Title V Permit that was posted on the Department's web-site on October 18, 2004.

II. Conclusion.

The permitting authority hereby issues FINAL Title V Permit Renewal No. 0090006-003-AV.

STATEMENT OF BASIS

Title V Permit Renewal No. **0090006-003-AV**
Florida Power and Light Company
Cape Canaveral Plant
Brevard County

This Title V air operation permit renewal is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213, and 62-214. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

This facility consists of two oil and natural gas fired conventional steam electric generating stations, designated as Units #1 and #2. These emissions units are regulated under Acid Rain, Phase II, and Rule 62-296.405, F.A.C., Fossil Fuel Steam Generators with more than 250 million Btu per Hour Heat Input.

Each emissions unit is a nominal 400 megawatt (MW) class (electric) steam generator which drives a single reheat turbine generator, and is equipped with a 397 foot exhaust stack. Each emissions unit is fired on No. 2, No. 6 residual, or used oil, with a maximum heat input of 4000 MMBtu per hour, or natural gas with a maximum heat input of 4180 MMBtu per hour. Fuel additives such as, but not limited to, magnesium hydroxide are used to enhance combustion and facilitate furnace cleaning, in a manner consistent with Best Operational Practices. The control device consists of multiple cyclones with fly ash reinjection to control particulate matter emissions. Unit #1 commenced commercial operation in April, 1965. Unit #2 commenced commercial operation in May, 1969.

Also included in this permit are miscellaneous unregulated/insignificant emissions units and/or activities. Based on the Title V permit renewal application received on July 1, 2004, this facility is a major source of hazardous air pollutants (HAPs).

The Department has determined that the appropriate particulate testing frequency for the fossil fuel steam generators is annually whenever fuel oil is used for more than 400 hours in the preceding year. This frequency is justified by the low emission rate documented in previous emissions tests while firing fuel oil. These units are subject to a steady-state PM emission limit of 0.1 lb/mmBtu, and 0.3 lb/mmBtu for soot blowing and load change. The Department has determined that sources with particulate matter emissions less than half the effective standard shall test annually. A summary of results of particulate matter emission testing in lb/mmBtu in recent Annual Operating Reports for the units at Cape Canaveral are 0.045 (steady-state) and 0.045 (soot-blowing).

The Florida Power and Light Company may inject additives such as magnesium oxide, magnesium hydroxide and related compounds into each boiler for the purposes of reducing build-up of particulate matter on the interior boiler surfaces, to facilitate proper heat transfer and other boiler operation, and to reduce the particulate matter required to be removed from boiler surfaces during soot blowing and other boiler cleaning operations. The rate of additive injection is not large, generally on the order of 1 gallon of additive per approximately 2,500 (± 500) gallons of

fuel oil (this is approximately 0.04% by volume). The permit requires that emission tests be conducted while injecting additives consistent with normal operating practices.

This facility is allowed to co-fire natural gas with fuel oil in any ratio in order to avoid exceeding the sulfur dioxide limitation of this permit. The permit specifies that compliance with the sulfur dioxide standard shall be based on the total heat input from all liquid and gaseous fuels burned. The permit also requires that the sulfur dioxide emission limitation shall apply at all times including startup, shutdown, and load change. However, excess emissions of sulfur dioxide are allowed during malfunctions in accordance with the excess emissions conditions of this permit, which are based on Rule 62-210.700, F.A.C. Malfunctions that could occur and affect sulfur dioxide emissions include unexpected loss of natural gas supply at the plant, failure of the fuel feed system or burner failure.

The heat input limitations have been placed in each permit to identify the capacity of each unit for the purposes of confirming that emissions testing is conducted within 90 to 100 percent of the unit's rated capacity (or to limit future operation to 110 percent of the test load), to establish appropriate emission limits and to aid in determining future rule applicability. A note below the permitted capacity condition clarifies this. Regular record keeping is not required for heat input. Instead the owner or operator is expected to determine heat input whenever emission testing is required, to demonstrate at what percentage of the rated capacity that the unit was tested. Rule 62-297.310(5),F.A.C., included in the permit, requires measurement of process variables for emission tests. Such heat input determination may be based on measurements of fuel consumption by various methods including but not limited to fuel flow metering or tank drop measurements, using the heat value of the fuel determined by the fuel vendor or the owner or operator, to calculate average hourly heat input during the test.

This renewal permit includes the following change to the initial Title V permit:

- **Appendix I-1. List of Insignificant Emissions Units and/or Activities**, has been augmented as indicated below.

Emissions Unit	Description
1	Natural Gas Metering Area Relief Valves
2	Hydrazine Mixing Tank
3	Fuel Oil Storage Tanks and Related Systems
4	Lube Oil Tanks, Vents, and Related Systems
5	Oil/Water Separation Basin and Related Equipment
6	Hazardous Waste Building
7	Paint/Lube Buildings
8	Miscellaneous Mobile Vehicle Operation
9	Evaporation of Boiler Chemical Cleaning Waste
10	Steam & Air Evacuation Systems
11	Feedwater, Condensate & Heater Drains
12	Service & Cooling Water
13	Fuels & Lube Oil System
14	Caustic Wash, Station & Instrument Air
15	Condensate System
16	Feedwater System
17	Chemical Feed System

18	Instrument Air System
19	Service Air System
20	Closed Cooling Water System
21	Service Water & Fire Protection Systems
22	Fuel Oil System
23	Nitrogen Purge System
24	Caustic Wash System
25	Fuel Management System
26	Steam & Air Evacuation System
27	Miscellaneous Mobile Equipment Operation
28	Miscellaneous Building Venting
29	Misc. Building Heating/Cooling
30	Fuel Oil Barge Unloading Area
31	Gas Metering Area (Units 1 & 2)
32	Recreation Area Pavilion
33	Motor Fuels Area
34	C.E.M. Building
35	Control, Auxiliary & Miscellaneous Buildings-Portable and Sanitary
36	"Donkey Boiler" Mobile Auxiliary Steam Unit
37	Bulk Gas Building
38	Hydrogen Storage Building
39	Hydrogen Storage Tube Trailer
40	Service Building
41	Control Building
42	Water Treatment
43	Waste Water Treatment
44	LAPIO – Low API Oil System
45	Chlorination/Dechlorination
46	Home heating and comfort with a gross maximum heat output of less than one million BTU/hr.
47	Internal combustion engines in boats, aircraft and vehicles used for transportation of passengers or freight.
48	Vacuum pumps used in laboratory operations.
49	Equipment used for steam cleaning.
50	Belt or drum sanders having a total sanding surface of five square feet or less and other equipment used exclusively on wood or plastics or their products having a density of 20 pounds per cubic foot or more.
51	Equipment used exclusively for space heating, other than boilers.
52	Laboratory Equipment used exclusively for chemical or physical analysis.
53	Brazing, soldering or welding equipment
54	Laundry dryers, extractors, or tumblers for fabrics cleaned with only water solutions of bleach or detergents
55	Fire & Safety Equipment
56	Surface coating facilities in ozone attainment areas (provided

	that 6.0 gallons of coatings per day are applied)
57	Degreasing units using heavier-than-air vapors exclusively, except any such unit using or emitting any substance classified as a hazardous air pollutant.

- The following permitting note, originally included in the initial Title V Permit, was added at the applicant's request after Specific Condition **A.7.** in the PROPOSED permit:

{Permitting note: The averaging times for all specified emissions standards are tied to or based on the run time of the test method(s) used for determining compliance; and, in the case of particulate matter, the appropriate averaging time is a "3-hour average".}

Florida Power and Light Company
Cape Canaveral Plant

Facility ID No. **0090006**
Brevard County

Title V Air Operation Permit Renewal
FINAL Permit No. **0090006-003-AV**

Permitting Authority:
State of Florida
Department of Environmental Protection
Division of Air Resource Management
Bureau of Air Regulation
Permitting South Section

Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Telephone: 850/488-0114
Fax: 850/922-6979

Compliance Authority:
State of Florida
Department of Environmental Protection
Central District Office

3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Telephone: 407/894-7555
Fax: 407/897-2966

Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

Permittee:
Florida Power and Light Company
P.O. Box 14000
Juno Beach, Florida 33408

FINAL Permit No. 0090006-003-AV
Facility ID No. 0090006
SIC Nos.: 49, 4911
Project: Title V Air Operation Permit Renewal

This permit is for the operation of the Cape Canaveral Plant. This facility is located on the West side of the Indian River, approximately eight miles north of Cocoa, Florida on U.S. Highway No. 1, Brevard County; UTM Coordinates: Zone 17, 523.1 km East and 3149.0 km North; Latitude: 28° 28' 10" North and Longitude: 80° 45' 51" West.

This Title V air operation permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213, and 62-214. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

Referenced attachments made a part of this permit:
Appendix I-1, List of Insignificant Emissions Units and/or Activities
Appendix U-1, List of Unregulated Emissions Units and/or Activities
APPENDIX TV-4, TITLE V CONDITIONS (version dated 2/12/02)
APPENDIX SS-1, STACK SAMPLING FACILITIES (version dated 10/07/96)
Acid Rain Phase II Part Application Renewal dated April 14, 2004
Alternate Sampling Procedure: ASP No. 97-B-01
Florida Department of Environmental Protection Order dated January 2, 1986

Effective Date: January 1, 2005
Renewal Application Due Date: July 5, 2009
Expiration Date: December 31, 2009

Michael G. Cooke, Director
Division of Air Resource Management

Title V Air Operation Permit Renewal
FINAL Permit No. **0090006-003-AV**

Table of Contents

Section **Page Number**

Placard Page 1

I. Facility Information 2
A. Facility Description.
B. Summary of Emissions Unit ID Nos. and Brief Descriptions.
C. Relevant Documents.

II. Facility-wide Conditions 3

III. Emissions Units and Conditions
A. Fossil Fuel Fired Steam Generators (E.U. ID Nos. -001 and -002)..... 6

IV. Acid Rain Part
A. Acid Rain, Phase II 20

Appendix I-1. List of Insignificant Emissions Units and/or Activities.....22

Appendix U-1. List of Unregulated Emissions Units and/or Activities..... 24

Appendix H-1. Permit History/ID Number Changes..... 25

Section I. Facility Information.

Subsection A. Facility Description.

This facility consists of two oil and natural gas fired conventional steam electric generating stations, designated as Units #1 and #2. Each steam unit is a nominal 400 megawatt (MW) class (electric) steam generator which drives a single reheat turbine generator. Also included in this permit are miscellaneous unregulated/insignificant emissions units and/or activities.

Based on the Title V permit renewal application received on July 1, 2004, this facility is a major source of hazardous air pollutants (HAPs).

Subsection B. Summary of Emissions Unit ID Nos. and Brief Descriptions.

E.U. ID No.	Brief Description
-001	Fossil Fuel Fired Steam Generator #1
-002	Fossil Fuel Fired Steam Generator #2

Unregulated Emissions Units and/or Activities

-003	Painting and Solvent Cleaning
-004	Internal Combustion Engines which drive Compressors and Water Pumps and Similar Equipment
-005	Emergency Diesel Generators

Please reference the Permit No., Facility ID No., and appropriate Emissions Unit(s) ID No(s). on all correspondence, test report submittals, applications, etc.

Subsection C. Relevant Documents.

The documents listed below are not a part of this permit, however, are specifically related to this permitting action.

These documents are provided to the permittee for information purposes only:
Table 1-1, Summary of Air Pollutant Standards and Terms
Table 2-1, Summary of Compliance Requirements
Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers
Appendix H-1, Permit History/ID Number Changes
Statement of Basis

These documents are on file with permitting authority:
Title V Air Operation Permit with effective date January 1, 2000.
Title V Permit Renewal Application received on July 1, 2004.
DRAFT Title V Permit Renewal clerked on August 27, 2004.
PROPOSED Title V Permit Renewal posted for EPA review on October 18, 2004.

Documents on file with USEPA
The Responsible Official has certified that the Risk Management Plan was submitted to the RMP Reporting Center.

Section II. Facility-wide Conditions.

The following conditions apply facility-wide:

{Permitting note: The permit shield becomes effective not upon issuance, but upon the Title V permit's effective date.}

1. APPENDIX TV-4, TITLE V CONDITIONS, is a part of this permit.
{Permitting note: APPENDIX TV-4, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided one copy when requested or otherwise appropriate.}

2. Not federally enforceable. General Pollutant Emission Limiting Standards. Objectionable Odor Prohibited. The permittee shall not cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor.
[Rule 62-296.320(2), F.A.C.]

3. Prevention of Accidental Releases (Section 112(r) of CAA).
a. As required by Section 112(r)(7)(B)(iii) of the CAA and 40 CFR 68, the owner or operator shall submit an updated Risk Management Plan (RMP) to the Chemical Emergency Preparedness and Prevention Office (CEPPO) RMP Reporting Center.
b. As required under Section 252.941(1)(c), F.S., the owner or operator shall report to the appropriate representative of the Department of Community Affairs (DCA), as established by department rule, within one working day of discovery of an accidental release of a regulated substance from the stationary source, if the owner or operator is required to report the release to the United States Environmental Protection Agency under Section 112(r)(6) of the CAA.
c. The owner or operator shall submit the required annual registration fee to the DCA on or before April 1, in accordance with Part IV, Chapter 252, F.S., and Rule 9G-21, F.A.C.

Any required written reports, notifications, certifications, and data required to be sent to the DCA, should be sent to:

Department of Community Affairs
Division of Emergency Management
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
Telephone: 850/413-9921; Fax: 850/488-1739

Any Risk Management Plans, original submittals, revisions or updates to submittals, should be sent to:

RMP Reporting Center
P.O. Box 1515
Lanham-Seabrook, Maryland 20703-1515

Telephone: 301/429-5018

Any required reports to be sent to the National Response Center, should be sent to:

National Response Center
EPA Office of Solid Waste and Emergency Response
USEPA (5305 W)
401 M Street, SW
Washington, D.C. 20460
Telephone: 1/800/424-8802

Send the required annual registration fee using approved forms made payable to:

Cashier
Department of Community Affairs
State Emergency Response Commission
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2149

[Part IV, Chapter 252, F.S.; and, Rule 9G-21, F.A.C.]

4. Insignificant Emissions Units and/or Activities. Appendix I-1, List of Insignificant Emissions Units and/or Activities, is a part of this permit.
[Rules 62-213.440(1), 62-213.430(6), and 62-4.040(1)(b), F.A.C.]

5. Unregulated Emissions Units and/or Activities. Appendix U-1, List of Unregulated Emissions Units and/or Activities, is a part of this permit.
[Rule 62-213.440(1), F.A.C.]

6. General Particulate Emission Limiting Standards. General Visible Emissions Standard. Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20 percent opacity). EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C.
[Rule 62-296.320(4)(b)1. & 4., F.A.C.]

7. Not federally enforceable. Reasonable precautions to prevent emissions of unconfined particulate matter at this facility include the following:

a. In order to perform sandblasting on fixed plant equipment, sandblasting enclosures are constructed and operated as necessary. Thick polyurethane flaps are used over the doorways to prevent any sandblasting material from leaving the sandblast facility.

b. Maintenance of paved areas is performed as needed.

c. Mowing of grass and care of vegetation are done on a regular basis.

d. Access to plant property by unnecessary vehicles is controlled and limited.

e. Bagged chemical products are stored in weather tight buildings until they are used. Spills of powdered chemical products are cleaned up as soon as practical.

f. Vehicles are restricted to slow speeds on the plant site.

[Rule 62-296.320(4)(c)2., F.A.C.; and proposed by applicant in the Title V permit renewal application received on July 1, 2004.]

8. When appropriate, any recording, monitoring, or reporting requirements that are time-specific shall be in accordance with the effective date of the permit, which defines day one.
[Rule 62-213.440, F.A.C.]

9. The permittee shall submit all compliance related notifications and reports required of this permit to the Department's Central District office:

Department of Environmental Protection
Central District Office
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767
Telephone: 407/894-7555
Fax: 407/897-2966

10. Any reports, data, notifications, certifications, and requests required to be sent to the United States Environmental Protection Agency, Region 4, should be sent to:

United States Environmental Protection Agency
Region 4
Air, Pesticides & Toxics Management Division
Air & EPCRA Enforcement Branch, Air Compliance Section
61 Forsyth Street
Atlanta, Georgia 30303
Telephone: 404/562-9155
Fax: 404/562-9163 or 404/562-9164

11. Statement of Compliance. The annual statement of compliance pursuant to Rule 62-213.440(3), F.A.C., shall be submitted within 60 (sixty) days after the end of the calendar year. {See condition No. 52., Appendix TV-4, Title V Conditions.}
[Rule 62-214.420(11), F.A.C.]

12. Certification by Responsible Official (RO). In addition to the professional engineering certification required for applications by Rule 62-4.050(3), F.A.C., any application form, report, compliance statement, compliance plan and compliance schedule submitted pursuant to Chapter 62-213, F.A.C., shall contain a certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Any responsible official who fails to submit any required information or who has submitted incorrect information shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary information or correct information.
[Rule 62-213.420(4), F.A.C.]

Section III. Emissions Units and Conditions.

Subsection A. This section addresses the following emissions units.

E.U. ID No.	Brief Description
-001	Fossil Fuel Fired Steam Generator #1
-002	Fossil Fuel Fired Steam Generator #2

Fossil Fuel Fired Steam Generators #1 and #2 are nominal 400 megawatt class (electric) steam generators designated as Cape Canaveral Units #1 and #2, respectively. Each emissions unit is fired on No. 2, No. 6 residual, or used oil, with a maximum heat input of 4000 MMBtu per hour, or natural gas with a maximum heat input of 4180 MMBtu per hour. Unit #1 commenced commercial operation in April, 1965. Unit #2 commenced commercial operation in May, 1969.

Fuel additives such as, but not limited to, magnesium hydroxide are used to enhance combustion and facilitate furnace cleaning, in a manner consistent with Best Operational Practices.

Both emissions units consist of boiler/steam generators which drive a single reheat turbine generator, and are equipped with 397 foot exhaust stacks. The control devices consist of multiple cyclones with fly ash reinjection to control particulate matter emissions.

The mechanical dust collectors are excluded from compliance assurance monitoring (CAM), because they are (a) inherent process equipment contained entirely within the flue ductwork, (b) use a passive method of particulate matter separation from the flue gas stream, (c) recover unburned carbon and ash from the flue gas system, and (d) have no moving parts, no control inputs, nor any controllable parameters.

{Permitting note: these emissions units are regulated under Acid Rain, Phase II, and Rule 62-296.405, F.A.C., Fossil Fuel Steam Generators with more than 250 million Btu per Hour Heat Input.}

The following conditions apply:

Essential Potential to Emit (PTE) Parameters

A.1. Permitted Capacity. The maximum operation heat input rates are as follows:

Unit No.	MMBtu/hr Heat Input	Fuel Type
1	4180	Natural Gas
	4000	No. 2 Fuel Oil, No. 6 Residual Fuel Oil or Used Oil
2	4180	Natural Gas
	4000	No. 2 Fuel Oil, No. 6 Residual Fuel Oil or Used Oil

Methods of heat input calculation are as determined by hourly fuel usage, and the higher heat value of the oil as determined by as-fired fuel analysis. When a blend of fuel oil and natural gas is fired, the heat input is prorated based on the percent heat input of each fuel.
[Rules 62-4.160(2), 62-210.200 (PTE), and 62-296.405, F.A.C.; AO05-217321; AO05-252219]

{Permitting note: The heat input limitations have been placed in each permit to identify the capacity of each unit for the purposes of confirming that emissions testing is conducted within 90 to 100 percent of the unit's rated capacity (or to limit future operation to 110 percent of the test load), to establish appropriate emission limits and to aid in determining future rule applicability.}

A.2. Emissions Unit Operating Rate Limitation After Testing. See Specific Condition **A.23**.
[Rule 62-297.310(2), F.A.C.]

A.3. Methods of Operation - Fuels.
a. Startup: The only fuels allowed to be burned are natural gas, propane gas, No. 2 fuel oil, No. 6 residual fuel oil, or on-specification used oil from Florida Power and Light Company operations.
b. Normal: The only fuels allowed to be burned are natural gas, No. 2 fuel oil, No. 6 residual fuel oil, or on-specification used oil from Florida Power and Light Company operations.
[Rule 62-213.410, F.A.C.; AO05-217321, Specific Condition No. 2; AO05-252219, Specific Condition No. 2]

A.4. Hours of Operation. The emissions units may operate continuously, i.e., 8,760 hours/year.
[Rule 62-210.200 (PTE), F.A.C.; AO05-217321, Specific Condition No. 3; AO05-252219, Specific Condition No. 3]

Emission Limitations and Standards

{Permitting note: Table 1-1, Summary of Air Pollutant Standards and Terms, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.}

{Permitting note: Unless otherwise specified, the averaging times for Specific Conditions **A.5.** through **A.10.** are based on the specified averaging time of the applicable test method.}

A.5. Visible Emissions. Visible emissions shall not exceed 40 percent opacity. Emissions units governed by this visible emissions standard shall compliance test for particulate matter emissions annually.
[Rule 62-296.405(1)(a), F.A.C.; and Order dated January 2, 1986.]

A.6. Visible Emissions - Soot Blowing and Load Change. Visible emissions shall not exceed 60 percent opacity during the 3-hours in any 24 hour period of excess emissions allowed for boiler cleaning (soot blowing) and load change. Visible emissions above 60 percent opacity shall be allowed for not more than 4, six (6)-minute periods, during the 3-hour period of excess emissions allowed by this subparagraph, for boiler cleaning and load changes.
A load change occurs when the operational capacity of a unit is in the 10 percent to 100 percent capacity range, other than startup or shutdown, which exceeds 10 percent of the unit's rated capacity and which occurs at a rate of 0.5 percent per minute or more.
[Rule 62-210.700(3), F.A.C.]

A.7. Particulate Matter. Particulate matter emissions shall not exceed 0.1 pound per million Btu heat input, as measured by applicable compliance methods.
[Rule 62-296.405(1) (b), F.A.C.]

{Permitting note: The averaging times for all specified emissions standards are tied to or based on the run time of the test method(s) used for determining compliance; and, in the case of particulate matter, the appropriate averaging time is a "3-hour average".}

A.8. Particulate Matter - Soot Blowing and Load Change. Particulate matter emissions shall not exceed an average of 0.3 pound per million Btu heat input during the 3-hours in any 24 hour period of excess emissions allowed for boiler cleaning (soot blowing) and load change.
[Rule 62-210.700(3), F.A.C.]

A.9. Sulfur Dioxide. Sulfur dioxide emissions shall not exceed 2.75 pounds per million Btu heat input, as measured by applicable compliance methods. Compliance shall be based on the total heat input from all liquid and gaseous fuels burned. The sulfur dioxide emission limitation shall apply at all times including startup, shutdown, and load change.
[Rules 62-213.440 and 62-296.405(1)(c)1.j., F.A.C.]

A.10. "On-Specification" Used Oil. Only "on-specification" used oil generated by the Florida Power and Light Company in the production and distribution of electricity shall be fired in these emissions units. **The total combined quantity allowed to be fired at these emissions units shall not exceed 1,500,000 gallons per calendar year.** "On-specification" used oil is defined as each used oil delivery that meets the 40 CFR 279 (Standards for the Management of Used Oil) specifications listed below. Used oil that does not meet all of the following specifications is considered "off-specification" used oil and shall not be fired. See Specific Conditions **A.16., A.34.,** and **A.35.** **.**

CONSTITUENT/PROPERTY*	ALLOWABLE LEVEL
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Total Halogens	1000 ppm maximum
Flashpoint	100 degrees F minimum
PCBs	less than 50 ppm

* As determined by approved methods specified in EPA Publication SW-846 (Test Methods for Evaluating Solid Waste, Physical/Chemical Methods).
[40 CFR 279.11; and AO05-217321, AO05-252219]

Excess Emissions

A.11. Excess emissions resulting from malfunction shall be permitted provided that best operational practices to minimize emissions are adhered to and the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration.
[Rule 62-210.700(1), F.A.C.]

A.12. Excess emissions resulting from startup or shutdown shall be permitted provided that best operational practices to minimize emissions are adhered to and the duration of excess emissions shall be minimized.
[Rule 62-210.700(2), F.A.C.]

A.13. Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown or malfunction shall be prohibited.
[Rule 62-210.700(4), F.A.C.]

Monitoring of Operations

A.14. Sulfur Dioxide. The permittee shall demonstrate compliance with the sulfur dioxide limit of Specific Condition **A.9.** of this permit by the following:

a. Through the use of CEMS installed, operated and maintained in accordance with the quality assurance requirements of 40 CFR 75, adopted and incorporated by reference in rule 62-204.800, F.A.C. A relative accuracy test audit of the SO_2 CEMS shall be conducted at least annually. Compliance shall be demonstrated based on a 3-hour rolling average.

b. In the event the CEMS becomes temporarily inoperable or interrupted, the fuel oil sulfur content and the maximum fuel oil to natural gas firing ratio is limited to that which was last used to demonstrate compliance prior to the loss of the CEMS. Alternatively, the boilers may fire 100 percent fuel oil with a maximum sulfur content of 2.5 percent, by weight, or less, or 100 percent natural gas.
[Rules 62-213.440, 62-204.800 and 62-296.405(1)(c)3., F.A.C.]

A.15. Determination of Process Variables.
(a) Required Equipment. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.
(b) Accuracy of Equipment. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.
[Rule 62-297.310(5), F.A.C.]

A.16. Compliance with the "on-specification" used oil requirements will be determined from a sample collected from each batch delivered for firing. See Specific Conditions **A.10., A.34.,** and **A.35.**
[Rules 62-4.070 and 62-213.440; and, 40 CFR 279]

Continuous Monitoring Requirements

A.17. The Florida Power and Light Company shall operate, calibrate, and maintain a continuous opacity monitoring system. The continuous opacity monitoring system shall be calibrated, operated, span checked, and maintained according to the manufacturer's recommendation. Calibrations shall consist of electronic zero and span checks and include an optical lens check to ensure the monitoring system functions properly.
[Rule 62-210.700, F.A.C.; AO05-217321, Specific Condition No. 9; and AO05-252219, Specific Condition No. 9]

Test Methods and Procedures

{Permitting note: Table 2-1, Summary of Compliance Requirements, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.}

A.18. Visible Emissions. The test method for visible emissions shall be DEP Method 9, incorporated in Chapter 62-297, F.A.C. A transmissometer may be used and calibrated according to Rule 62-297.520, F.A.C. See Specific Conditions **A.19.** and **A.40.**
[Rule 62-296.405(1)(e)1., F.A.C.]

A.19. DEP Method 9. The provisions of EPA Method 9 (40 CFR 60, Appendix A) are adopted by reference with the following exceptions:

1. EPA Method 9, Section 2.4, Recording Observations. Opacity observations shall be made and recorded by a certified observer at sequential fifteen second intervals during the required period of observation.
2. EPA Method 9, Section 2.5, Data Reduction. For a set of observations to be acceptable, the observer shall have made and recorded, or verified the recording of, at least 90 percent of the possible individual observations during the required observation period. For single-valued opacity standards (e.g., 20 percent opacity), the test result shall be the highest valid six-minute average for the set of observations taken. For multiple-valued opacity standards (e.g., 20 percent opacity, except that an opacity of 40 percent is permissible for not more than two minutes per hour) opacity shall be computed as follows:
    a. For the basic part of the standard (i.e., 20 percent opacity) the opacity shall be determined as specified above for a single-valued opacity standard.
    b. For the short-term average part of the standard, opacity shall be the highest valid short-term average (i.e., two-minute, three-minute average) for the set of observations taken.

In order to be valid, any required average (i.e., a six-minute or two-minute average) shall be based on all of the valid observations in the sequential subset of observations selected, and the selected subset shall contain at least 90 percent of the observations possible for the required averaging time. Each required average shall be calculated by summing the opacity value of each

of the valid observations in the appropriate subset, dividing this sum by the number of valid observations in the subset, and rounding the result to the nearest whole number. The number of missing observations in the subset shall be indicated in parenthesis after the subset average value.
[Rule 62-297.401, F.A.C.]

A.20. Particulate Matter. The test methods for particulate emissions shall be EPA Methods 17, 5, 5B, or 5F, incorporated by reference in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet. EPA Method 5 may be used with filter temperature no more than 320 degrees Fahrenheit. For EPA Method 17, stack temperature shall be less than 375 degrees Fahrenheit. The owner or operator may use EPA Method 5 to demonstrate compliance. EPA Method 3 (Orsat analysis) or 3A shall be used when the oxygen based F-factor is computed according to EPA Method 19 is used in lieu of heat input. Acetone wash shall be used with EPA Method 5 or 17.
[Rules 62-213.440, 62-296.405(1)(e)2., and 62-297.401, F.A.C.]

A.21. Sulfur Dioxide. The test methods for sulfur dioxide emissions shall be EPA Methods 6, 6A, 6B, or 6C, incorporated by reference in Chapter 62-297, F.A.C. If the emissions unit obtains an alternate procedure under the provisions of Rule 62-297.620, F.A.C., the procedure shall become a condition of the emissions unit's permit. The Department will retain the authority to require EPA Method 6 or 6C if it has reason to believe that exceedences of the sulfur dioxide emissions limiting standard are occurring. The permittee may use the EPA test methods, referenced above, to demonstrate compliance; however, as an alternate sampling procedure authorized by permit, **the permittee elected to demonstrate compliance using CEMS for sulfur dioxide. See Specific Condition A.14. of this permit**.
[Rules 62-213.440 and 62-296.405(1)(c)3. and (1)(e)3., F.A.C.; Proposed by applicant 09/18/97]

A.22. Required Number of Test Runs. For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five day period allowed for the test, the Secretary or his or her designee may accept the results of the two complete runs as proof of compliance, provided that the arithmetic mean of the results of the two complete runs is at least 20 percent below the allowable emission limiting standards.
[Rule 62-297.310(1), F.A.C.]

A.23. Operating Rate During Testing. Testing of emissions shall be conducted with each emissions unit operation at permitted capacity, which is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impracticable to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the emissions unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity.
[Rules 62-297.310(2) & (2)(b), F.A.C.]

A.24. Calculation of Emission Rate. The indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the separate test runs unless otherwise specified in a particular test method or applicable rule.
[Rule 62-297.310(3), F.A.C.]

A.25. Applicable Test Procedures.
(a) Required Sampling Time.
1. Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes.
2. Opacity Compliance Tests. When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Exceptions to these requirements are as follows:
c. The minimum observation period for opacity tests conducted by employees or agents of the Department to verify the day-to-day continuing compliance of a unit or activity with an applicable opacity standard shall be twelve minutes.
(b) Minimum Sample Volume. Unless otherwise specified in the applicable rule, the minimum sample volume per run shall be 25 dry standard cubic feet.
(c) Required Flow Rate Range. For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride sampling which uses Greenburg Smith type impingers, the sampling nozzle and sampling time shall be selected such that the average sampling rate will be between 0.5 and 1.0 actual cubic feet per minute, and the required minimum sampling volume will be obtained.
(d) Calibration of Sampling Equipment. Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1.

TABLE 297.310-1
CALIBRATION SCHEDULE

ITEM	MINIMUM CALIBRATION FREQUENCY	REFERENCE INSTRUMENT	TOLERANCE
Liquid in glass thermometer	Annually	ASTM Hg in glass ref. thermometer or equivalent, or thermometric points	+/-2%
Bimetallic thermometer	Quarterly	Calib. liq. in glass thermometer	5 degrees F
Thermocouple	Annually	ASTM Hg in glass ref. thermometer, NBS calibrated reference and potentiometer	5 degrees F
Barometer	Monthly	Hg barometer or NOAA station	+/-1% scale
Pitot Tube	When required or when damaged	By construction or measurements in wind tunnel D greater than 16" and standard pitot tube	See EPA Method 2, Fig. 2-2 & 2-3
Probe Nozzles	Before each test or when nicked, dented, or corroded	Micrometer	+/-0.001" mean of at least three readings Max. deviation between readings .004”
Dry Gas Meter and Orifice Meter	1. Full Scale: When received, When 5% change observed, Annually 2. One Point: Semiannually	Spirometer or calibrated wet test or dry gas test meter	2%
	3. Check after each test series	Comparison check	5%

(e) Allowed Modification to EPA Method 5. When EPA Method 5 is required, the following modification is allowed: the heated filter may be separated from the impingers by a flexible tube. [Rule 62-297.310(4), F.A.C.]

A.26. Required Stack Sampling Facilities. When a mass emissions stack test is required, the permittee shall comply with the requirements contained in Appendix SS-1, Stack Sampling Facilities, attached to this permit.
[Rule 62-297.310(6), F.A.C.]

A.27. Frequency of Compliance Tests. The following provisions apply only to those emissions units that are subject to an emissions limiting standard for which compliance testing is required.
(a) General Compliance Testing.

2. For excess emission limitations for particulate matter specified in Rule 62-210.700, F.A.C., a compliance test shall be conducted annually while the emissions unit is operating under soot blowing conditions in each federal fiscal year during which soot blowing is part of normal emissions unit operation, except that such test shall not be required in any federal fiscal year in which a fossil fuel steam generator does not burn liquid fuel for more than 400 hours other than during startup.

3. The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to Rule 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal:

a. Did not operate; or

b. In the case of a fuel burning emissions unit, burned liquid fuel for a total of no more than 400 hours.

4. During each federal fiscal year (October 1 - September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for:

a. Visible emissions, if there is an applicable standard (see Specific Condition **A.29.**);

b. Each of the following pollutants, if there is an applicable standard, and if the emissions unit emits or has the potential to emit: 5 tons per year or more of lead or lead compounds measured as elemental lead; 30 tons per year or more of acrylonitrile; or 100 tons per year or more of any other regulated air pollutant; and

c. Each NESHAP pollutant, if there is an applicable emission standard.

5. An annual compliance test for particulate matter emissions shall not be required for any fuel burning emissions unit that, in a federal fiscal year, does not burn liquid fuel, other than during startup, for a total of more than 400 hours. See Specific Conditions **A.28** and **A.30**.

9. The owner or operator shall notify the Department, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.

(b) Special Compliance Tests. When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it may require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.

(c) Waiver of Compliance Test Requirements. If the owner or operator of an emissions unit that is subject to a compliance test requirement demonstrates to the Department, pursuant to the procedure established in Rule 62-297.620, F.A.C., that the compliance of the emissions unit with an applicable weight emission limiting standard can be adequately determined by means other than the designated test procedure, such as specifying a surrogate standard of no visible emissions for particulate matter sources equipped with a bag house or specifying a fuel analysis for sulfur dioxide emissions, the Department shall waive the compliance test requirements for such emissions units and order that the alternate means of determining compliance be used, provided, however, the provisions of Rule 62-297.310(7)(b), F.A.C., shall apply.

[Rule 62-297.310(7), F.A.C.; and, SIP approved]

A.28. Florida Department of Environmental Protection Order dated January 2, 1986, granted annual particulate matter testing with a 40% opacity limit. Compliance testing shall be conducted on an annual basis during every federal fiscal year. If the emissions unit(s) fails to comply with the Order conditions, then the emissions unit(s) will resume particulate matter (steady-state) testing either annually with a 20% opacity limit or quarterly with a 40% opacity limit. Visible emissions testing will be conducted annually regardless of the option selected. If a quarterly schedule is selected, the permittee shall advise the Department's Central District Office in writing of the quarterly test date schedule. See Specific Conditions **A.27.(a)4. & 5., A.29.,** and **A.30**.

[AO05-217321, Specific Condition No. 4; AO05-252219, Specific Condition No. 4; Order dated 01/02/1986]

A.29. By this permit, annual emissions compliance testing for visible emissions is not required for these emissions units while burning:

a. only gaseous fuel(s); or

b. gaseous fuel(s) in combination with any amount of liquid fuel(s) for less than 400 hours per year; or

c. only liquid fuel(s) for less than 400 hours per year. See Specific Conditions **A.27.(a)4.a.** and **A.28**.

[Rule 62-297.310(7)(a)4., F.A.C.]

A.30. Annual and permit renewal compliance testing for particulate matter emissions is not required for these emissions units while burning:

a. only gaseous fuel(s); or

b. gaseous fuel(s) in combination with any amount of liquid fuel(s) for less than 400 hours per year; or

c. only liquid fuel(s) for less than 400 hours per year. See Specific Conditions **A.27.(a)4.b. & 5.** and **A.28**.

[Rules 62-297.310(7)(a)3. & 5., F.A.C.; and, ASP Number 97-B-01.]

A.31. Compliance Testing Related Requirements. Should the Florida Power and Light Company (FPL) decide to pursue routine use of a fuel additive, then all future compliance testing for particulate matter and visible emissions shall include use of the additive at an injection rate consistent with normal operation.

In the event FPL exceeds the tested additive injection rate by 10 percent or more, FPL shall notify the Department's Central District Office in writing within 14 days of the date that the higher rate was initiated. The notification shall include the date the higher injection rate began, the magnitude of the higher rate, and the approximate date by which the higher rate would cease.

{Permitting note: If additives were used in the prior year's operations, testing with the additives is required.}

[AO05-217321, Specific Condition No. 5; AO05-252219, Specific Condition No. 5]

A.32. Operating Conditions During Testing - Particulate Matter and Visible Emissions. Compliance testing during soot blowing and steady-state operation for particulate matter and visible emissions shall be conducted at least once annually, if liquid fuel is fired for more than 400 hours. A visible emissions test shall be conducted during one run of each particulate matter test. Testing shall be conducted as follows:

a. When Burning Fuel Oil Up To 2.5% Sulfur. When only fuel oil containing less than or equal to 2.5% sulfur, by weight, is fired (or co-fired with natural gas) in an emissions unit, particulate matter and visible emissions tests during soot blowing and steady-state operation shall be performed on such emissions unit while firing solely fuel oil containing at least 90% of the average sulfur content of the fuel oils fired in the previous 12 month period, except that such test shall not be required to be performed during any year that testing is performed in accordance with Specific Condition **A.32.b.**

b. When Burning Fuel Oil Greater Than 2.5% Sulfur. If fuel oil containing greater than 2.5% sulfur, by weight, is co-fired with natural gas in an emissions unit, particulate matter and visible emissions tests during soot blowing and steady-state operation shall be performed as soon as practicable, but in no event more than 60 days after firing such fuel oil, while co-firing such oil with the appropriate proportion of natural gas required to maintain SO_2 emissions between 90 to 100% of the SO_2 emission limit (corresponding to 2.475 and 2.75 lb/mmBtu, respectively). Following successful completion of such particulate matter and visible emissions testing, further particulate matter and visible emissions testing shall not be required during the remaining federal fiscal year unless fuel oil is fired that contains greater than 0.20% sulfur above the percentage sulfur concentration fired during the most recent co-firing test. If fuel oil is co-fired containing greater than 0.20% sulfur above the percentage sulfur concentration fired during the most recent co-firing test, additional particulate matter and visible emissions tests shall be performed as described above as soon as practicable, but in no event more than 60 days after firing such higher sulfur fuel oil. If any additional particulate matter and visible emissions tests are imposed after completion of any required annual compliance tests, then the frequency testing base date shall be reset to 12-months after the date of completion of the last tests.

[Rules 62-4.070(3), 62-213.440, 62-296.405(1)(c)3. and 62-297.310(7)(a)9., F.A.C.]

A.33. Testing While Injecting Additives. The owner or operator shall conduct emission tests while injecting additives consistent with normal operating practices.
[Rule 62-213.440, F.A.C., and applicant agreement with DEP on August 25, 1998.]

Recordkeeping and Reporting Requirements

A.34. Records shall be kept of each delivery of "on-specification" used oil with a statement of the origin of the used oil and the quantity delivered/stored for firing. In addition, monthly records shall be kept of the quantity of "on-specification" used oil fired in these emissions units. The above records shall be maintained in a form suitable for inspection, retained for a minimum of five years, and be made available upon request. See Specific Conditions **A.10., A.16.,** and **A.35.**
[Rule 62-213.440(1)(b)2.b., F.A.C.; and, 40 CFR 279.61 and 761.20(e)]

A.35. The permittee shall include in the "Annual Operating Report for Air Pollutant Emitting Facility" a summary of the "on-specification" used oil analyses for the calendar year and a statement of the total quantity of "on-specification" used oil fired in Fossil Fuel Fired Steam Generators Nos. 1 and 2 during the calendar year. See Specific Conditions **A.10., A.16.,** and **A.34.**
[Rule 62-213.440(1)(b)2.b., F.A.C.]

A.36. Quarterly reports containing monthly summaries of the quantities of used oil burned and the sampling and analysis results shall be submitted to the Department's Central District office. Used oil burned in one month within a calendar quarter triggers the quarterly reporting requirement.
[AO05-217321, Specific Condition No. 8; AO05-252219, Specific Condition No. 8]

A.37. In the case of excess emissions resulting from malfunctions, each owner or operator shall notify the Department in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department.
[Rule 62-210.700(6), F.A.C.]

A.38. Submit to the Department a written report of emissions in excess of emission limiting standards as set forth in Rule 62-296.405(1), F.A.C., for each calendar quarter. The nature and cause of the excess emissions shall be explained. This report does not relieve the owner or operator of the legal liability for violations. All recorded data shall be maintained on file by the Source for a period of five years.
[Rules 62-213.440 and 62-296.405(1)(g), F.A.C.]

A.39. Test Reports.
(a) The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department on the results of each such test.
(b) The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed.
(c) The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA or DEP Method 9 test, shall provide the following information:

1. The type, location, and designation of the emissions unit tested.
2. The facility at which the emissions unit is located.
3. The owner or operator of the emissions unit.
4. The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
5. The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
6. The type of air pollution control devices installed on the emissions unit, their general condition, their normal operating parameters (pressure drops, total operating current and GPM scrubber water), and their operating parameters during each test run.
7. A sketch of the duct within 8 stack diameters upstream and 2 stack diameters downstream of the sampling ports, including the distance to any upstream and downstream bends or other flow disturbances.
8. The date, starting time and duration of each sampling run.
9. The test procedures used, including any alternative procedures authorized pursuant to Rule 62-297.620, F.A.C. Where optional procedures are authorized in this chapter, indicate which option was used.
10. The number of points sampled and configuration and location of the sampling plane.
11. For each sampling point for each run, the dry gas meter reading, velocity head, pressure drop across the stack, temperatures, average meter temperatures and sample time per point.
12. The type, manufacturer and configuration of the sampling equipment used.
13. Data related to the required calibration of the test equipment.
14. Data on the identification, processing and weights of all filters used.
15. Data on the types and amounts of any chemical solutions used.

16. Data on the amount of pollutant collected from each sampling probe, the filters, and the impingers, are reported separately for the compliance test.
17. The names of individuals who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.
18. All measured and calculated data required to be determined by each applicable test procedure for each run.
19. The detailed calculations for one run that relate the collected data to the calculated emission rate.
20. The applicable emission standard, and the resulting maximum allowable emission rate for the emissions unit, plus the test result in the same form and unit of measure.
21. A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. When a compliance test is conducted for the Department or its agent, the person who conducts the test shall provide the certification with respect to the test procedures used. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.

[Rule 62-297.310(8), F.A.C.]

A.40. COMS for Periodic Monitoring. The owner or operator is required to install continuous opacity monitoring systems (COMS) pursuant to 40 CFR Part 75. The owner or operator shall maintain and operate COMS and shall make and maintain records of opacity measured by the COMS, for purposes of periodic monitoring. See Specific Condition **A.18**.
[Rule 62-213.440, F.A.C.; and applicant agreement with DEP on August 25, 1998.]

Section IV. This section is the Acid Rain Part.

Operated by: **Florida Power and Light Company**
ORIS code: **0609**

Subsection A. This subsection addresses Acid Rain, Phase II.

The emissions units listed below are regulated under Phase II of the federal Acid Rain Program.

E.U. ID No.	EPA ID	Brief Description
-001	**PCC1**	Fossil Fuel Fired Steam Generator #1
-002	**PCC2**	Fossil Fuel Fired Steam Generator #2

1. The Phase II permit application submitted for this facility, as approved by the Department, is a part of this permit. The owners and operators of these Phase II acid rain units must comply with the standard requirements and special provisions set forth in the application listed below:

a. DEP Form No. 62-210.900(1)(a), dated 04/14/04.

[Chapter 62-213, F.A.C. and Rule 62-214.320, F.A.C.]

2. Sulfur dioxide (SO2) allowance allocations for each Acid Rain unit are as follows:

E.U. ID No.	EPA ID	Year	2005	2006	2007	2008	2009
-001	**PCC1**	SO2 allowances, under Table 2 of 40 CFR Part 73	4224*	4224*	4224*	4224*	4224*
-002	**PCC2**	SO2 allowances, under Table 2 of 40 CFR Part 73	4961*	4961*	4961*	4961*	4961*

*The number of allowances held by an Acid Rain source in a unit account may differ from the number allocated by the USEPA under Table 2 of 40 CFR 73.

3. Emission Allowances. Emissions from sources subject to the Federal Acid Rain Program (Title IV) shall not exceed any allowances that the source lawfully holds under the Federal Acid Rain Program. Allowances shall not be used to demonstrate compliance with a non-Title IV applicable requirement of the Act.

1. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the Federal Acid Rain Program, provided that such increases do not require a permit revision pursuant to Rule 62-213.400(3), F.A.C.
2. No limit shall be placed on the number of allowances held by the source under the Federal Acid Rain Program.
3. Allowances shall be accounted for under the Federal Acid Rain Program.

[Rule 62-213.440(1)(c), F.A.C.]

4. Fast-Track Revisions of Acid Rain Parts. Those Acid Rain sources making a change described at Rule 62- 214.370(4), F.A.C., may request such change as provided in Rule 62-213.413, Fast-Track Revisions of Acid Rain Parts.
[Rule 62-213.413, F.A.C.]

5. Comments, notes, and justifications: None.

Appendix I-1. List of Insignificant Emissions Units and/or Activities.

The facilities, emissions units, or pollutant-emitting activities listed in Rule 62-210.300(3)(a), F.A.C., Categorical Exemptions, or that meet the criteria specified in Rule 62-210.300(3)(b)1., F.A.C., Generic Emissions Unit Exemption, are exempt from the permitting requirements of Chapters 62-210, 62-212 and 62-4, F.A.C.; provided, however, that exempt emissions units shall be subject to any applicable emission limiting standards and the emissions from exempt emissions units or activities shall be considered in determining the potential emissions of the facility containing such emissions units. Emissions units and pollutant-emitting activities exempt from permitting under Rules 62-210.300(3)(a) and (b)1., F.A.C., shall not be exempt from the permitting requirements of Chapter 62-213, F.A.C., if they are contained within a Title V source; however, such emissions units and activities shall be considered insignificant for Title V purposes provided they also meet the criteria of Rule 62-213.430(6)(b), F.A.C. No emissions unit shall be entitled to an exemption from permitting under Rules 62-210.300(3)(a) and (b)1., F.A.C., if its emissions, in combination with the emissions of other units and activities at the facility, would cause the facility to emit or have the potential to emit any pollutant in such amount as to make the facility a Title V source.

The below listed emissions units and/or activities are considered insignificant pursuant to Rule 62-213.430(6), F.A.C.

Emissions Unit	Description
1	Natural Gas Metering Area Relief Valves
2	Hydrazine Mixing Tank
3	Fuel Oil Storage Tanks and Related Systems
4	Lube Oil Tanks, Vents, and Related Systems
5	Oil/Water Separation Basin and Related Equipment
6	Hazardous Waste Building
7	Paint/Lube Buildings
8	Miscellaneous Mobile Vehicle Operation
9	Evaporation of Boiler Chemical Cleaning Waste
10	Steam & Air Evacuation Systems
11	Feedwater, Condensate & Heater Drains
12	Service & Cooling Water
13	Fuels & Lube Oil System
14	Caustic Wash, Station & Instrument Air
15	Condensate System
16	Feedwater System
17	Chemical Feed System
18	Instrument Air System
19	Service Air System
20	Closed Cooling Water System
21	Service Water & Fire Protection Systems
22	Fuel Oil System
23	Nitrogen Purge System
24	Caustic Wash System
25	Fuel Management System

Emissions Unit	Description
26	Steam & Air Evacuation System
27	Miscellaneous Mobile Equipment Operation
28	Miscellaneous Building Venting
29	Misc. Building Heating/Cooling
30	Fuel Oil Barge Unloading Area
31	Gas Metering Area (Units 1 & 2)
32	Recreation Area Pavilion
33	Motor Fuels Area
34	C.E.M. Building
35	Control, Auxiliary & Miscellaneous Buildings-Portable and Sanitary
36	"Donkey Boiler" Mobile Auxiliary Steam Unit
37	Bulk Gas Building
38	Hydrogen Storage Building
39	Hydrogen Storage Tube Trailer
40	Service Building
41	Control Building
42	Water Treatment
43	Waste Water Treatment
44	LAPIO – Low API Oil System
45	Chlorination/Dechlorination
46	Home heating and comfort with a gross maximum heat output of less than one million BTU/hr.
47	Internal combustion engines in boats, aircraft and vehicles used for transportation of passengers or freight.
48	Vacuum pumps used in laboratory operations.
49	Equipment used for steam cleaning
50	Belt or drum sanders having a total sanding surface of five square feet or less and other equipment used exclusively on wood or plastics or their products having a density of 20 pounds per cubic foot or more.
51	Equipment used exclusively for space heating, other than boilers.
52	Laboratory Equipment used exclusively for chemical or physical analysis.
53	Brazing, soldering or welding equipment
54	Laundry dryers, extractors, or tumblers for fabrics cleaned with only water solutions of bleach or detergents
55	Fire & Safety Equipment
56	Surface coating facilities in ozone attainment areas (provided that 6.0 gallons of coatings per day are applied)
57	Degreasing units using heavier-than-air vapors exclusively, except any such unit using or emitting any substance classified as a hazardous air pollutant.

Appendix U-1. List of Unregulated Emissions Units and/or Activities.

Unregulated Emissions Units and/or Activities. An emissions unit which emits no "emissions-limited pollutant" and which is subject to no unit-specific work practice standard, though it may be subject to regulations applied on a facility-wide basis (e.g., unconfined emissions, odor, general opacity) or to regulations that require only that it be able to prove exemption from unit-specific emissions or work practice standards.

The below listed emissions units and/or activities are neither 'regulated emissions units' nor 'insignificant emissions units'.

Emissions Unit	Description
-003	Painting and Solvent Cleaning
-004	Internal Combustion Engines which drive Compressors and Water Pumps and Similar Equipment
-005	Emergency Diesel Generators

Appendix H-1. Permit History/ID Number Changes

Permit History (for tracking purposes):

E.U. ID No.	Description	Permit No.	Issue Date	Expiration Date	Revised Date(s)
-001	Fossil Fuel Steam Generator #1	AO05-132054	12/16/87		08/23/90
		AO05-217321	03/10/93	02/25/98	02/12/97 0090006-002-AO
-002	Fossil Fuel Steam Generator #2	AO05-163421	07/07/89		
		AO05-252219	07/24/94	07/19/99	02/12/97 0090006-002-AO
	Both of the above.	0090006-001-AV (Initial Title V Permit)	1/01/00	12/31/04	

ID Number Changes (for tracking purposes):

From: Facility ID No. **30ORL050006**

To**:** Facility ID No. **0090006**

Table 1-1, Summary of Air Pollutant Standards and Terms

Florida Power and Light Company
Cape Canaveral Plant

Permit No. **0090006-003-AV**
Facility ID No. **0090006**

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

E.U. ID Nos.	Brief Description
-001	Fossil Fuel Fired Steam Generator
-002	Fossil Fuel Fired Steam Generator

			Allowable Emissions			Equivalent Emissions**			
Pollutant Name	Fuel(s)	Hours/Year	Standard(s)	lbs./hour	TPY	lbs./hour	TPY	Regulatory Citation(s	See permit condition(s
Particulate Matter									
Steady State	gas/oil	8760	0.1 lb/MMBtu			400	1,533	Rule 62-296.405(1)(b), F.A.C.	**A.7**
Soot Blowing or	gas/oil		0.3 lb/MMBtu			1,200	657	Rule 62-210.700(3), F.A.C.	**A.8**
Load Changing									
						500***	2190***		
Sulfur Dioxide	oil	8760	2.75 lb/MMBtu			11,000	48,180	Rule 62-296.405(1)(c)1.j., F.A.C.	**A.9**
Visible Emissions									
Steady State	gas/oil	8760	40% Opacity					Rule 62-296.405(1)(b), F.A.C.	**A.5**
Soot Blowing or	gas/oil		60% Opacity					Rule 62-210.700(3), F.A.C.	**A.6**
Load Changing									
Arsenic	used oil*		5.0 ppm					40 CFR 279.11	**A.10**
Cadmium	used oil*		2.0 ppm					40 CFR 279.11	**A.10**
Chromium	used oil*		10.0 ppm					40 CFR 279.11	**A.10**
Lead	used oil*		100.0 ppm					40 CFR 279.11	**A.10**
Total Halogens	used oil*		1,000.0 ppm					40 CFR 279.11	**A.10**
PCB	used oil*		50.0 ppm					40 CFR 279.11	**A.10**

Notes:
*The total quantity of on-specification used oil to be fired at this facility shall not exceed 1,500,000 gallons per year.
** The "Equivalent Emissions" listed are for informational purposes only.
*** Values computed using the ratio of 3/21 for soot blowing/steady state per 24 hour day.

Table 2-1, Summary of Compliance Requirements

Florida Power and Light Company
Cape Canaveral Plant

Permit No. **0090006-003-AV**
Facility ID No. **0090006**

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

E.U. ID No.	Brief Description
-001	Fossil Fuel Fired Steam Generator
-002	Fossil Fuel Fired Steam Generator

Pollutant Name or Parameter	Fuels	Compliance Method	Testing Time Frequency	Frequency Base Date *	Min. Compliance Test Duration	CMS**	See permit condition(s)
Particulate Matter							
Steady State	Gas/Oil	EPA Method 5 or 17	Annual	1-Oct	3 Hour		**A.20**
Soot blowing or Load Changing	Gas/Oil	EPA Method 5 or 17 ***	Annual	1-Oct			**A.20**
Sulfur Dioxide	Gas/Oil	CMS	Continuous			Yes	**A.14**
Nitrogen Oxides	Gas/Oil		Continuous			Yes	
Carbon Dioxide	Gas/Oil		Continuous			Yes	
Volumetric Flow Rate	Gas/Oil		Continuous			Yes	
Opacity	Gas/Oil		Continuous			Yes	**A.17**
Steady State	Gas/Oil	DEP Method 9	Annual	1-Oct	1 Hour		**A.18**
Soot blowing or Load Changing	Gas/Oil	DEP Method 9	Annual	1-Oct	1 Hour		**A.18**
Arsenic	Used Oil	Fuel Analysis	Batch				**A.10, A.34**
Cadmium	Used Oil	Fuel Analysis	Batch				**A.10, A.34**
Chromium	Used Oil	Fuel Analysis	Batch				**A.10, A.34**
Lead	Used Oil	Fuel Analysis	Batch				**A.10, A.34**
PCB	Used Oil	Fuel Analysis	Batch				**A.10, A.34**
Total Halogens	Used Oil	Fuel Analysis	Batch				**A.10, A.34**
Flash Point	Used Oil	Fuel Analysis	Batch				**A.10, A.34**

Notes:

*Frequency base date established for planning purposes only; see Rule 62-297.310, F.A.C.

**CMS [=] Continuous Monitoring System

***EPA Method 17 may be used only if the stack gas exit temperature is less than 375 degrees F.

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
PERMIT NO. WS07667

SCIENTIFIC COLLECTING

PERMIT

Issued Under Authority of the Wildlife Code of the State of Florida
(Title 68A, Florida Administrative Code) by the

STATE OF FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Habitat and Species Conservation 620 South Meridian Street Mail Station 2A Tallahassee FL 32399-1600 (850) 921-5990 ext 17310

Permit No. WS07667 **Issuance Date** 21 December 2007 **Expiration Date** 31 December 2010
Permit Type Scientific Collecting/Institutional **Specific Rule Authority** 68A-9.002; 68A-25.002; 68A-27.003-.005
Permittee James R. Lindsay **Permitted Facility** Florida Power and Light Company
Phone/FAX no. 561-691-7032 Environmental Services Department
700 Universe Blvd.
June Beach, FL 33408

Signature _____ **Date** 12-31-2007
Not valid until signed

Certification: I hereby state and confirm by signature that I have received, read, understand, and agree to abide by all regulations, guidelines, and provisions regarding the issuance of this permit, and I further certify that the information submitted in this application and supporting documents is complete and accurate to the best of my knowledge and belief I understand that any false statement herein may subject me to criminal penalties I further state that I will abide by all applicable State, Federal, and local laws Finally I hereby confirm by signature that representatives of the Florida Fish and Wildlife Conservation Commission (Commission) have my permission as the applicant and that of the landowner(s) to enter on and inspect the property(ies) described in the application for all reasonable purposes pertaining to applicable Commission rules. Please return a signed copy to this office.

Provisions/Conditions:

1. Carcasses of non-listed wildlife may be salvaged upon encounter and possessed (i.e. - mounted and displayed) at Florida Power & Light Company - Environmental Services Department for scientific/educational purposes. The salvage/possession of species protected by the Migratory Bird Treaty Act (16 U.S.C. 703-712), the Endangered Species Act of 1973 (16 U.S.C. 1531), the Marine Mammal Protection Act (16 U.S.C. 1361-1407) or the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d) must also be federally permitted pursuant to any of those laws, as appropriate. A copy of any such federal permit must be provided this office before collecting/possessing any species so protected. Collections of species designated by the Fish and Wildlife Conservation Commission in Rule 68A-27.003-.005, F.A.C., as endangered, threatened or species of special concern must be reported to this office within 48 hours via fax at (850) 921-1847. Final disposition of those specimens is subject to individual approval by the Commission, via an amendment to this permit.

2. Salvaged specimens may be temporarily transferred to a taxidermist or tanner for mounting or tanning provided a copy of this permit is kept with the carcass or hide at all times.

3. Wildlife specimens possessed under this permit (per Provision/Condition 1 above) may be transported for use in educational programs. This permit must be readily available during transport and/or educational programs.

4. The Permittee may temporarily loan the mounted specimens to other entities, provided they are in possession of a letter of authorization from the Permittee and a copy of this permit. The Permittee must maintain an inventory (i.e., who has possession and at what physical location) of parts possessed independently of these individuals.

5. This permit shall expire and the animal carcasses and other parts shall be returned to the Commission should they no longer be needed for exhibitional and/or educational purposes at Florida Power & Light Company - Environmental Services Department , or upon severance of the affiliation of the Permittee with Florida Power & Light Company - Environmental Services Department .

PERMIT

Permit No: WS07667

Provisions/Conditions Continued:

6. **This permit is in effect an amendment of permit WR04246 which expires December 31, 2007. All amended conditions of the previous permit (changed or new items) are indicated by bold text.** This permit does not authorize access to any public or private properties. Any required permission accordingly must be secured from the appropriate landholders prior to undertaking any work on such properties.

7. The Permittee by signature above confirms that representatives of the Florida Fish and Wildlife Conservation Commission (Commission) have his/her permission as the Permittee, and that of the landowner(s) to enter on and inspect the property(ies) described in the application (herein incorporated by reference) for all reasonable purposes pertaining to applicable Commission rules.

8. This permit is nontransferable, but other qualified personnel may assist in permitted work in the absence of the Permittee's direct supervision, when those assistants are designated via letter from the Permittee to each designee, with this office provided a copy of such letter(s). This permit must be readily available for inspection at all times while engaging in the permitted activities.

9. Formally designated assistants/subpermittees are also to be in possession of your letter of authorization, a copy of this state permit and any required federal authorization/permit when working in your absence.

10. This permit is subject to revocation at any time pursuant to Chapter 120, Florida Statutes.

11. This permit and a copy of any required federal authorization/permits must be readily available for inspection while engaged in collecting and at the repository facility. An annual report detailing the number of specimens collected per species, dates and locations of collections, and final disposition of specimens must be submitted to this office by 1 February of each year. Copies of any other reports or publications, which result from the work, must also be provided upon their availability. Requests for permit renewal should be submitted at least 45 days prior to the time it is needed.

A person whose substantial interests are affected by FWC's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. A person seeking a hearing on FWC's action shall file a petition for hearing with the agency within 21 days of receipt of written notice of the decision. The petition must contain the information and otherwise comply with section 120.569, Florida Statutes, and the uniform rules of the Florida Division of Administration, chapter 28-106, Florida Administrative Code. Upon such notification, the Permittee shall cease all work authorized by this permit until the petition is resolved. The enclosed Explanation of Rights statement provides additional information as to the rights of parties whose substantial interests are or may be affected by this action.

Kenneth D. Haddad
Executive Director

By: Bradley J. Sumner
for Elsa Haubold, Ph.D., Leader
Species Conservation Planning Section

ATW/EH/efm
LIC 6-1
WS07667.per

cc: Northwest Region and South Region

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
PERMIT NO. WN07311

MIGRATORY BIRD NEST

PERMIT

Issued Under Authority of the Wildlife Code of the State of Florida
(Title 68A, Florida Administrative Code) by the

STATE OF FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Habitat and Species Conservation, 620 South Meridian Street, Tallahassee, FL 32399-1600, (850) 921-5990, ext 17310

Permit No. WN07311 **Issuance Date** 20 July 2007 **Expiration Date** 31 July 2009

Permit Type Migratory Bird Nest **Specific Rule Authority** 68A-9.002 & 68A-27.005

Permittee James Lindsay **Affiliation** Florida Power and Light Company

Phone No. (561) 691-7032/ N/A Environmental Services

700 University Boulevard

Juno Beach, FL 33408

Signature _____ **Date** 7-24-2007

Not valid until signed

Certification: I hereby state and confirm by signature that I have received, read, understand, and agree to abide by all regulations, guidelines, and provisions regarding the issuance of this permit, and I further certify that the information submitted in this application and supporting documents is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to criminal penalties. I further state that I will abide by all applicable State, Federal, and local laws. Finally I hereby confirm by signature that representatives of the Florida Fish and Wildlife Conservation Commission (Commission) have my permission as the applicant and that of the landowner(s) to enter on and inspect the property(ies) described in the application for all reasonable purposes pertaining to applicable Commission rules. Please return a signed copy to this office.

This permit authorizes the above named Permittee to remove and replace **inactive** (i.e., containing no eggs or flightless young) nests of ospreys (*Pandion haliaetus*) and other migratory birds, pursuant to Rules 68A-9.002 and 68A-27.005 (Monroe County only), F.A.C. and the Florida Fish and Wildlife Conservation Commission Osprey Nest Removal Policies, where necessary in the process of routine facility maintenance in Florida, and subject to the following provision/conditions.

Provisions/Conditions

1. The **inactive** osprey nests situated on structures maintained by Florida Power and Light Company may be removed and replaced in association with routine facility maintenance, pursuant to the enclosed Osprey Nest Removal Policies.

2. Replacement of osprey nesting structures of comparable or better quality than the nest support structure removed or destroyed must be erected by the Permittee. The replacement nest structure shall be located in the immediate vicinity of the old nest. **Suggested** guidelines for constructing replacement osprey nest structures are enclosed, but other designs may be used if the Permittee prefers.

3. **Inactive** nests of migratory birds other than osprey may be taken without replacement.

4. This permit does not authorize removal of **active** (i.e., containing eggs or flightless young) nests of osprey or other migratory bird species. The Permittee must obtain state and federal authorization permits prior to disturbing an active nest.

5. This permit does not authorize taking of nests of state-or-federally-listed Endangered or Threatened species (i.e. species or subspecies listed as 68A-27.003, or 68A-27.004 in the Wildlife Code of the State of Florida; or at Title 50, Part 17.11, in the Code of Federal Regulations), or state-listed Species of Special Concern (species or subspecies listed at 68A-27.005 in the Wildlife Code of the State of Florida). Permits for removal of nests of these species must be secured separately. In such cases, contact the Permit Coordinator via fax at [(850) 921-1847].

PERMIT

Permit No. WN07311

Provisions/Conditions Continued:

6 This permit does not authorize Permittee access to any public or private properties. In instances where written or verbal permission for access is required, such permission must be secured from the appropriate landowners or public agencies in advance of undertaking any work on those controlled properties.

7. **This permit is in effect a renewal of permit WN05247, which was issued on June 20, 2005 and supercedes all previous versions.** It is nontransferable and must be readily available for inspection at all times while engaging in the permitted activities. Other qualified personnel may assist in the permitted work in the absence of the Permittee's direct supervision, when those assistants are designated as subpermittees via a letter from the Permittee to each designee, with this office provided a copy of such letter (s).

8. Formally designated assistants/subpermittees are also to be in possession of your letter of authorization, a copy of this state permit and any required federal authorization/permit when working in your absence.

9. The Permittee by signature above confirms that representatives of the Florida Fish and Wildlife Conservation Commission (Commission) have his/her permission as the Permittee, and that of the landowner(s) to enter on and inspect the property(ies) described in the application (herein incorporated by reference) for all reasonable purposes pertaining to applicable Commission rules.

10. An annual report detailing the number of nests taken and dates and locations of such, must be submitted to this office by 30 June of each year. Such annual reports (referencing permit number) should be directed to the Permit Coordinator at the above address. This permit is subject to revocation prior to the expiration date pursuant to Chapter 120, Florida Statutes. Application for renewal should be made at least 45 days in advance of the date it is needed

A person whose substantial interests are affected by FWC's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. A person seeking a hearing on FWC's action shall file a petition for hearing with the agency within 21 days of receipt of written notice of the decision. The petition must contain the information and otherwise comply with section 120.569, Florida Statutes, and the uniform rules of the Florida Division of Administration, chapter 28-106, Florida Administrative Code. Upon such notification, the Permittee shall cease all work authorized by this permit until the petition is resolved. The enclosed Explanation of Rights statement provides additional information as to the rights of parties whose substantial interests are or may be affected by this action.

Kenneth D. Haddad
Executive Director

By: Elsa M. Haubold
Elsa Haubold, Ph.D., Leader
Species Conservation Planning Section

ATW/EH/kd
LIC 6-20
WN07311.per
Enclosure

cc: All Regions

STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY
PERMIT NO. FL0001473

Department of
Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT

PERMITTEE:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

PERMIT NUMBER: FL0001473 (Major)
PA FILE NUMBER: FL0001473-008-IW1S
ISSUANCE DATE: August 10, 2005
EXPIRATION DATE: August 9, 2010

RESPONSIBLE AUTHORITY:

Mr. Lowell Trotter
Plant General Manager

FACILITY:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927
Brevard County

Latitude: 28° 28' 10" N Longitude: 80° 45' 54" W

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.) and applicable rules of the Florida Administrative Code (F.A.C.), and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System (NPDES). The above named permittee is hereby authorized to operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

The plant consists of two steam electric generating units. Units 1 and 2 have a nominal generating capacity of 400 megawatts.

The plant uses a once-through condenser cooling water system. Condenser cooling water is drawn from the Indian River through an intake canal located on the southern end of the plant. The cooling water passes through the plant condensers and then discharged back to the Indian River via two 78-inch underground pipes that empty into their respective outfall structures. The discharge structures for the two units are located approximately 550 feet apart. Auxiliary equipment cooling water from both units is discharged to the Indian River through a single 18-inch outfall pipe located approximately midway between the once-through cooling outfall structures.

The main condenser Once-Through Cooling Water (OTCW) is chlorinated at the intake for both units. The facility dechlorinates the once-through cooling water using sodium bisulfite prior to discharge. Auxiliary Equipment Cooling Water (AECW) may also be chlorinated using continuous low level chlorination. Boiler blowdown is captured and reused. Wastewater from the on-site water treatment system is discharged via existing Outfall D-030 to the Indian River until 6 months beyond the issuance date of this permit. After such time, wastewater from the on-site

water treatment system will be discharged internally to the AECW outfall or, alternatively, to the OTCW outfalls.

WASTEWATER TREATMENT:
Wastewater generated during metal cleaning operations is discharge to the two lined Solids Settling Basins (B-1A and B-1B). Reverse osmosis reject from boiler blowdown source water and boiler chemical cleaning rinses (in which EDTA, Citro-Solv or equivalent cleaner is used in the cleaning operation) may also be routed to the solids settling basins. The wastewater in the basins is treated by adding caustic that allows for the precipitation of metals followed by sedimentation. Treated effluent from the solids settling basins is routed to the Evaporation/Percolation Basin (EP-1) and acid is added for pH adjustment. Treated wastewater from the evaporation/percolation basin is used for spray irrigation on the berms of the fuel oil containment area. This area is designated as E/P Basin Spray Area (SP-1).

Stormwater runoff and drainage from equipment areas and fuel oil handling facilities as well as equipment rinse water in the power block areas are collected via floor drains. The collected runoff is then routed through oil removal devices prior to discharge to the equipment area runoff treatment and disposal system consisting of the Forwarding Sump (S-3), Equipment Area Runoff Basin (B-3), organo-clay polishing filters, and the Runoff Disposal Area (DA-1). Under light rainfall conditions, runoff from the forwarding sump is routed through the organo-clay filters directly to the Disposal Area DA-1. Under medium and chronic rainfall conditions (up to one inch of rainfall), the runoff from the forwarding sump is routed to the Runoff Basin B-3 and then pumped through the organo-clay filters to the runoff Disposal Area DA-1. On rare occasions and under chronic heavy rainfall conditions (in excess of one inch rainfall), the runoff that is not routed to the runoff basin or pumped through the organo-clay filters to the runoff disposal area, overflows at the forwarding sump and discharged to the Indian River via Outfall D-016.

EFFLUENT DISPOSAL:

Surface Water Discharge:

An existing discharge of 332 MGD annual average flow and 396 MGD maximum daily flow to Indian River (Class III Marine waters), D-011. The once-through cooling water from Unit 1 is located approximately at latitude 28° 28' 11" N, longitude 80° 45' 46" W.

An existing discharge of 332 MGD annual average flow and 396 MGD maximum daily flow to Indian River (Class III Marine waters), D-012. The once-through cooling water outfall from Unit 2 is located approximately at latitude 28° 28' 14" N, longitude 80° 45' 50" W.

An existing discharge of 13.8 MGD annual average flow and 30.0 MGD maximum daily flow to the Indian River (Class III Marine waters), D-015. The auxiliary equipment cooling water outfall for Units 1 & 2 line is located approximately at latitude 28° 28' 12" N, longitude 80° 45' 48" W.

An existing discharge to Indian River (Class III Marine waters), D-016. The equipment area runoff basin overflow outfall is located approximately at latitude 28° 28' 18" N, longitude 80° 45' 51" W.

An existing discharge to Indian river (Class III Marine waters), D-028. The stormwater from fuel oil storage tank secondary containment area outfall is located approximately at latitude 28° 28' 18" N, longitude 80° 45' 51" W.

An existing discharge to Indian River (Class III Marine waters), D-029. The non-equipment area stormwater outfall is located approximately at latitude 28° 28' 12" N, longitude 80° 45' 48" W.

An existing discharge to Indian River (Class III Marine waters), D-030. The water treatment system wastewater outfall is located approximately at latitude 28° 28' 18" N, longitude 80° 45' 51" W.

Land Application:

An existing land application system (G-010) consisting of Evaporation/Percolation Basin (EP-1) and E/P Basin Spray Area (SP-1). The Evaporation/Percolation Basin (EP-1) is located approximately at latitude 28° 28' 14" N, longitude 80° 45' 51" W. The E/P Basin Spray Area (SP-1) is located approximately at latitude 28° 28' 16" N, longitude 80° 45' 53" W.

An existing land application system (G-020) consisting of Equipment Area Runoff Basin (B-3) and Runoff Disposal Area (DA-1). The Equipment Area Runoff Basin (B-3) is located approximately at latitude 28° 28' 10" N, longitude 80° 45' 54" W. The Runoff Disposal Area (DA-1) is located approximately at latitude 28° 28' 08" N, longitude 80° 45' 55" W.

Internal Outfalls:

This permit authorizes discharge of 0.05 MGD annual average flow from internal Outfall I-017 to the AECW Outfall (D-015) or, alternatively, to the OTCW Outfalls (D-011 and D-012).

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions as set forth in Part I through Part VIII on pages 4 through 26 of this permit.

PERMITTEE:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

PERMIT NUMBER: FL0001473

Issuance date: August 10, 2005
Expiration date: August 9, 2010

I. Effluent Limitations and Monitoring Requirements

A. Surface Water Discharges

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge **Once-Through Cooling Water (OTCW)** from Outfalls D-011 and D-012. Such discharge shall be limited and monitored by the permittee as specified below:

	Discharge Limitations				Monitoring Requirements		
Parameters (units)	**Monthly Average**	**Instantaneous Maximum**	**Maximum Daily Average**	**Instantaneous Minimum**	**Monitoring Frequency**	**Sample Type**	**Sample Point**
Flow (MGD)	Report	Report	--	--	Continuous	Calculated	FLW-1, FLW-2
Chlorination (HOURS/UNIT/DAY)	--	2.0	--	--	Daily	Calculated	OTH-1, OTH-2
Oxidants, Total Residual (MG/L)	--	--	0.01	--	Weekly	Grab[1]	EFF-1, EFF-2
Temperature (F), Water (DEG.F)	Report[2]	Report[2]	--	--	6/Day	Instantaneous	EFF-1, EFF-2
Dissolved Oxygen (MG/L)	--	--	--	Report	Monthly[3]	Grab	INT-1 and EFF-1 or INT-2 and EFF-2

2. Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Sample Point	**Description of Monitoring Location**
FLW-1, FLW-2	Once-through cooling water intake for Units 1 and 2, respectively, flow monitoring location.
EFF-1, EFF-2	Once-through cooling water discharge structures for Units 1 and 2, respectively.
INT-1, INT-2	Once-through or auxiliary equipment cooling water for Units 1 and 2, respectively.
OTH-1, OTH-2	At the point of chlorine addition for Units 1 and 2, OTCW

[1] Grab samples shall consist of multiple samples collected at approximately the beginning, middle, and end of the chlorination period.
[2] Discharge from Outfall D-001 is subject to thermal limitations established by Rule 62-302.520(1), F.A.C.
[3] Grab samples for both the intake and discharge shall be taken concurrently every 4 hours, for 24 hours, once month. Intake and discharge sampling during a monthly sampling event is only required from one power plant unit, i.e. Unit 1 or Unit 2. The permittee may request a reduction or discontinuance of these monitoring requirements after 12 months of monitoring.

3. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge **Auxiliary Equipment Cooling Water (AECW) from Units 1 and 2 used in lieu of OTCW** from Outfall D-013 (formerly D-0D1) and Outfall D-014 (formerly D-0D2). Such discharge shall be limited and monitored by the permittee as specified below:

	Discharge Limitations			Monitoring Requirements		
Parameters (units)	**Monthly Average**	**Maximum Daily Average**	**Instantaneous Maximum**	**Monitoring Frequency**	**Sample Type**	**Sample Point**
Flow (MGD)	Report	Report	--	Continuous	Calculated	FLW-3 FLW-4
Temp. Diff. between Intake and Discharge (DEG.F)	--	--	20.0	6/Day	Calculated	INT-1 INT-2 EFF-1 EFF-2
Oxidants, Total Residual (MG/L)	--	0.01		Weekly	Grab[4]	EFF-1 EFF-2
Chlorination (HOURS/UNIT/DAY)	--	24	--	Daily	Calculated	OTH-3

4. Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Sample Point	Description of Monitoring Location
FLW-3, FLW-4	Auxiliary equipment cooling water intake for Units 1 and 2, respectively, flow monitoring location.
INT-1, INT-2	Once-through or auxiliary equipment cooling water intake for Units 1 and 2, respectively.
EFF-1, EFF-2	Once-through cooling water discharge structures for Units 1 and 2, respectively.
OTH-3	At the point of chlorine addition for Units 1 and 2 AECW

[4] Multiple grabs shall be collected during daylight hours every 4 hours during TRO discharge.

5. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge **Units 1 and 2 Auxiliary Equipment Cooling Water** from Outfall D-015 (formerly D-081). Such discharge shall be limited and monitored by the permittee as specified below:

	Discharge Limitations			Monitoring Requirements		
Parameters (units)	**Monthly Average**	**Maximum Daily Average**	**Instantaneous Maximum**	**Monitoring Frequency**	**Sample Type**	**Sample Point**
Flow (MGD)	Report	Report	--	Continuous	Calculated	FLW-3 FLW-4
Oxidants, Total Residual (MG/L)	--	0.01	--	Weekly	Grab[5]	EFF-3
Chlorination (HOURS/UNIT/DAY)	--	24	--	Daily	Calculated	OTH-3

6. Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Sample Point	Description of Monitoring Location
FLW-3, FLW-4	Flow monitoring location for auxiliary equipment cooling water for Units 1 and 2, respectively.
OTH-3	At the point of chlorine addition for Units 1 and 2 AECW
EFF-3	Combined auxiliary equipment water cooling discharge from Units 1 and 2 prior to actual discharge to the receiving waters or mixing with other waste streams

[5] Multiple grabs shall be collected during daylight hours every 4 hours during TRO discharge.

7. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to **Equipment Area Runoff Basin Overflow** from Outfall D-016 (formerly D-0B0) . Such discharge shall be limited and monitored by the permittee as specified below:

	Discharge Limitations			Monitoring Requirements		
Parameters (units)	**Monthly Average**	**Maximum Daily Average**	**Instantaneous (Min/Max)**	**Monitoring Frequency**	**Sample Type**	**Sample Point**
Flow (MGD)	Report	Report	--	Per Discharge[6]	Calculated	EFF-4
Oil & Grease (MG/L)	Report	5.0	--	Per Discharge[6]	Grab	EFF-4
Solids, Total Suspended (MG/L)	30.0	100.0	--	Per Discharge[6]	Grab	EFF-4
pH Range (SU)	--	--	6.0 to 9.0	Per Discharge[6]	Grab	EFF-4

8. Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Sample Point	Description of Monitoring Location
EFF-4	Discharge from the forwarding sump prior to actual discharge to receiving waters or mixing with other waste stream.

9. During the period beginning on the issuance date and lasting until 6 months beyond the issuance date, the permittee is authorized to discharge **Water Treatment Plant Wastewater** from existing Outfall D-030 to the Indian River. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	**Monthly Average**	**Maximum Daily Average**	**Instantaneous**	**Annual Average**	**Monitoring Frequency**	**Sample Type**	**Sample Point**
Flow (MGD)	Report	Report	--	--	2/Month	Calculated	EFF-5
Solids, Total Suspended (MG/L)	30.0	100.0	--	--	2/Month	Composite[7]	EFF-5
Oil and Grease (MG/L)	--	5.0	--	--	2/Month	Grab	EFF-5
pH Range (S.U.)	--	--	6.0 to 9.0	--	2/Month	Grab	EFF-5

[6] Monitoring of discharge from the Oil separator/Forwarding Sump is not required provided the first one inch rainfall is retained by the Stormwater Basin and associated spray field. Subsequent overflow may be discharged without monitoring requirements, except that there shall be no discharge of a visible oil sheen. In the event that these conditions are not met, monitoring shall be 1/discharge.

[7] Shall be defined as a composite of grab samples taken at the beginning, middle and end of the Backwash Basin discharge period.

10. Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Sample Point	Description of Monitoring Location
EFF-5	At the point of discharge to the receiving waters.

11. During the period beginning at initiation of discharge and lasting through the expiration date of this permit, the permittee is authorized to discharge **Water Treatment Plant Wastewater** from Outfall I-017 to the AECW Outfall (D-015) or to the OTCW Outfalls (D-011 and D-012). Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Monthly Average	Maximum Daily Average	Instantaneous	Annual Average	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	Report	--	--	2/Month	Calculated	OUI-1
Solids, Total Suspended (MG/L)	30.0	100.0	--	--	2/Month	Grab	OUI-1
Oil and Grease (MG/L)	15.0	20.0	--	--	2/Month	Grab	OUI-1
pH Range (S.U.)	--	--	6.0 to 9.0	--	2/Month	Grab	OUI-1
Nitrogen, Total as N (LBS/DAY)	--	--	--	7.0	Monthly	Grab	OUI-1
Phosphorus, Total as P, (LBS/DAY)	--	--	--	0.4	Monthly	Grab	OUI-1

12. Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Sample Point	Description of Monitoring Location
OUI-1	At the point of discharge to the AECW or OTCW conduits.

13. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge from Outfall D-028 (formerly D-0B), stormwater from the fuel oil storage tank secondary containment area, provided such discharges are limited and monitored by the permittee as specified below:

    a. The facility shall have a valid Spill Prevention Control and Countermeasure (SPCC) Plan pursuant to 40 CFR Part 112.

    b. The facility shall endeavor to retain the stormwater in the containment area to the maximum extent practicable before discharging from Outfall D-028. The discharge from Outfall D-028 shall only occur due to tank and equipment integrity and safety concerns.

    c. In draining the diked area, a portable oil skimmer or similar device or absorbent material shall be used to remove oil and grease (as indicated by the presence of a sheen) immediately prior to draining.

    d. Monitoring records shall be maintained in the form of a log and shall contain the following information, as a minimum:

- Date and time of discharge;
- Estimated volume of discharge;
- Initials of person making visual inspection and authorizing discharge; and
- Observed conditions of storm water discharged.

e. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of a visible oil sheen at any time.

14. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge Outfall D-029 (formerly D-0S0), non-equipment area stormwater. Discharge of non-equipment area stormwater is permitted without limitation or monitoring requirements.

15. OTCW and AECW limitations and monitoring requirements for TRO are not applicable for any week in which chlorine is not added to Units 1 or 2.

16. Intake Screen wash water may be discharged without limitation or monitoring requirements, except that there shall be no discharge of a visible sheen.

17. There shall be no discharge of floating solids or visible foam in other than trace amounts.

18. The discharge shall not cause a visible sheen on the receiving water.

B. Underground Injection Control Systems

1. This section is not applicable to this facility.

C. Land Application Systems

1. The discharge from land application systems G-010 and G-020 is authorized without limitations or monitoring requirements.

D. Other Methods of Disposal or Recycling

1. There shall be no discharge of industrial wastewater from this facility to ground or surface waters, except as authorized by this permit.

E. Other Limitations and Monitoring and Reporting Requirements

1. The sample collection, analytical test methods and method detection limits (MDLs) applicable to this permit shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantification limits), which is titled "Florida Department of Environmental Protection Table as Required By Rule 62-4.246(4) Testing Methods for Discharges to Surface Water" dated June 21, 1996, is available from the Department on request. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. Any method included in the list may be used for reporting as long as it meets the following requirements:

   a. The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;

b. The laboratory reported PQL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide a PQL, which is equal to or less than the applicable water quality criteria stated in 62-302 FAC; and

c. If the PQLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated PQL shall be used.

Where the analytical results are below method detection or practical quantification limits, the permittee shall report the actual laboratory MDL and/or PQL values for the analyses that were performed following the instructions on the applicable discharge monitoring report. Approval of alternate laboratory MDLs or PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. However, where necessary, the permittee may request approval for alternative methods or for alternative MDLs and PQLs for any approved analytical method, in accordance with the criteria of Rules 62-160.520 and 62-160.530, F.A.C.

2. Parameters which must be monitored as a result of a surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with 40 CFR Part 136.

3. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department, at the address listed below, the Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e., monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

REPORT Type on DMR	Monitoring Period	DMR Due Date
Monthly or Toxicity	first day of month – last day of month	28th day of following month
Quarterly	January 1 - March 31 April 1 – June 30 July 1 – September 30 October 1 – December 31	April 28 July 28 October 28 January 28
Semiannual	January 1 – June 30 July 1 – December 31	July 28 January 28
Annual	January 1 – December 31	January 28

DMRs shall be submitted for each required monitoring period including months of no discharge.

The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department at the address specified below:

Florida Department of Environmental Protection
Wastewater Compliance Evaluation Section, Mail Station 3551
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

4. Unless specified otherwise in this permit, all reports and notifications required by this permit, including twenty-four hour notifications, shall be submitted to or reported to the Central District Office at the address specified below:

   Central District Office
   3319 Maguire Boulevard Suite 232
   Orlando, Florida 32803-3767

   Phone Number - (407) 894-7555
   FAX Number - (407) 897-2966
   All FAX copies shall be followed by original copies.

5. All reports and other information shall be signed in accordance with requirements of Rule 62-620.305, F.A.C.

6. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.

7. If there is no discharge from the facility on a day scheduled for sampling, the sample shall be collected on the day of the next discharge.

8. Bypasses subject to General Conditions VIII.20. and VIII.22. shall be monitored or estimated daily, or as approved by the Department for flow and other parameters required for the specific outfall which is bypassed. Monitoring results shall be reported to the Department

9. The Permittee shall continue compliance with the facility's Manatee Protection Plan approved by the Department on December 21, 2000.

10. The Permittee shall develop a Plan of Study (POS), subject to Department review and approval, to monitor compliance with Rule 62-302.520(1), F.A.C. pursuant to the schedule in Item VI.4, including a proposed implementation schedule, designed to determine any effects on biological communities from the discharge to Indian River Lagoon. The plan shall address monitoring of aquatic species as necessary, and shall include reporting requirements. The POS shall incorporate relevant existing data developed by the Permittee and other sources as well as any necessary additional monitoring to be conducted by the Permittee.

II. Industrial Sludge Management Requirements

A. Basic Management Requirements

1. Disposal of sludge in a solid waste management facility permitted by the Department shall be in accordance with the requirements of Chapter 62-701, F.A.C. Storage, transportation, and disposal of sludge/solids characterized as hazardous waste shall be in compliance with requirements of Chapter 62-730, F.A.C.

2. The permittee shall keep records of the amount of sludge or residuals disposed, transported, or incinerated. If a person other than the permittee is responsible for sludge transporting, disposal, or incineration, the permittee shall also keep the following records:

   a. name, address and telephone number of any transporter, and any manifests or bill of lading used;
   b. name and location of the site of disposal, treatment or incineration;
   c. name, address, and telephone number of the entity responsible for the disposal, treatment, or incineration site.

III. Ground Water Monitoring Requirements

1. During the period of operation authorized by this permit, the permittee shall continue to sample ground water at the existing monitoring wells identified in Permit Condition III. 2. below, in accordance with this permit and the approved ground water monitoring plan prepared in accordance with Rule 62-522.600, F.A.C. Within 90 days of placing the new or modified wastewater facility into operation, or installation of new monitoring wells, whichever occurs sooner, the permittee shall begin sampling ground water at the new monitoring wells identified in Permit Condition III. 2 below in accordance with this permit and the approved ground water monitoring plan.

2. The following monitoring wells shall be sampled quarterly. Sampling must be reasonably spaced to be representative of potentially changing conditions:

Facility Well Name	Permit Builder Name	Monitoring Location Site Number	WAFR Number	Depth (Feet)	Aquifer Monitored	Well Type	New or Existing
All Sites							
CA-MW-1	MWB-2683	3005A15832	2683	21	Surficial	Background	Existing
Equipment Area Runoff Basin (B-3)							
CA-MW-2	MWC-2682	3005A15833	2682	21	Surficial	Compliance	Existing
E/P Basin Spray Area (SP-1)							
OB-2	MWC-2686	3005A11264	2686	25.6	Surficial	Compliance	Existing
Solids Settling Basins (B-1A and B-1B)							
OB-3	MWC-2685	3005A11265	2685	24.9	Surficial	Compliance	Existing
Evaporation/Percolation Basin (EP-1)							
OB-5	MWC-26897	--	26897	18	Surficial	Compliance	Existing

MWB = Background; MWC = Compliance

3. The following parameters shall be analyzed quarterly in each of the monitoring wells identified in Item III. 2. except Monitoring Well OB-5:

Parameter Name	Standard Compliance Well Limit	Units
Chloride	Report[8]	mg/L
pH	Report[8]	SU
Sodium	Report[9]	mg/L
Specific Conductance	Report	Umhos
Sulfate	Report[8]	mg/L
Total Dissolved Solids (TDS)	Report[8]	mg/L
Total Recoverable Petroleum Hydrocarbons	5.0	mg/L
Turbidity	Report	NTU
Vinyl Chloride	1	ug/L
Water Level Relative to NGVD	Report	Feet, NGVD

[8] This facility has been in operation since 1977 and is an existing installation as defined in F.A.C. Rule 62-522.200(1) and is exempt from compliance with secondary standards for ground water at the edge of the zone of discharge in accordance with F.A.C. Rules 62-520.520 and 62-522.300(6).

[9] The permittee is exempted from compliance with the Class G-II ground water standard for sodium in accordance with the Final Order Of Agency Action (sodium exemption) signed by the Secretary on October 12, 2004. This sodium exemption is effective for the duration of this permit.

4. The following parameters shall be analyzed quarterly in Monitoring Well OB-5 identified in Item III. 2:

Parameter Name	Standard Compliance Well Limit	Units
Aluminum	Report[10]	ug/L
Antimony (added 2/04)	6	ug/L
Beryllium (added 2/04)	4	ug/L
Cadmium	5	ug/L
Chloride	Report[10]	mg/L
Chromium	100	ug/L
Copper	Report[10]	ug/L
Cyanide	200	ug/L
Fluoride	4,000	ug/L
Iron	Report[10]	ug/L
Manganese	Report[10]	ug/L
Mercury	2.0	ug/L
Nickel	100	ug/L
pH	Report[10]	SU
Silver	Report[10]	ug/L
Sodium	Report[11]	mg/L
Specific Conductance	Report	mmhos
Sulfate	Report[10]	mg/L
TDS	Report[10]	mg/L
Tetrachloroethylene	3	ug/L
Total Phenols	Report	ug/L
Trichloroethylene	3	ug/L
Total Recoverable Petroleum Hydrocarbons	5.0	mg/L
Turbidity	Report	NTU
Vinyl chloride	1	ug/L
Zinc	Report[10]	ug/L
Water Level (ft NGVD)	Report	Feet, NGVD

5. The zone of discharge extends to the facility property boundary, and vertically to the base of the shallow water table aquifer.

6. The permittee's discharge to ground water shall not cause a violation of water quality standards for ground waters at the boundary of the zone of discharge in accordance with Rules 62-520.400 and 62-520.420, F.A.C.

7. The permittee's discharge to ground water shall not cause a violation of the minimum criteria for ground water specified in Rule 62-520.400, F.A.C., within the zone of discharge.

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[10] This facility has been in operation since 1977 and is an existing installation as defined in F.A.C. Rule 62-522.200(1) and is exempt from compliance with secondary standards for ground water at the edge of the zone of discharge in accordance with F.A.C. Rules 62-520.520 and 62-522.300(6).

[11] The permittee is exempted from compliance with the Class G-II ground water standard for sodium in accordance with the Final Order Of Agency Action (sodium exemption) signed by the Secretary on October 12, 2004. This sodium exemption is effective for the duration of this permit.

8. If the concentration for any constituent listed in Permit Condition III.3 in the natural background quality of the ground water is greater than the stated maximum, or in the case of pH is also less than the minimum, the representative natural background quality shall be the prevailing standard.

9. Water levels shall be recorded prior to evacuating the well for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NGVD allowable) at a precision of plus or minus 0.1 feet.

10. Ground water monitoring wells shall be purged prior to sampling to obtain a representative sample.

11. Analyses shall be conducted on un-filtered samples, unless filtered samples have been approved by the Department as being more representative of ground water conditions.

12. If a monitoring well becomes damaged or cannot be sampled for some reason, the permittee shall notify the Department immediately and a written report shall follow within seven days detailing the circumstances and remedial measures taken or proposed. Repair or replacement of monitoring wells shall be approved in advance by the Department.

13. The permittee shall provide verbal notice to the Department as soon as practical after discovery of a sinkhole within an area for the management or application of wastewater or sludge. The permittee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department in a written report within 7 days of the sinkhole discovery.

14. Ground water monitoring test results shall be submitted on Part D of DEP Form 62-620.910(10) (attached) and shall be submitted to the Central District Ground Water Section. A completed Certification Page shall accompany each quarter of monitoring data. The quarterly ground water monitoring results shall be submitted with the DMR as shown in the following schedule:

SAMPLE PERIOD	REPORT DUE DATE
January - March	April 28
April - June	July 28
July - September	October 28
October - December	January 28

IV. Other Land Application Requirements

1. This section is not applicable to this facility.

V. Operation and Maintenance Requirements

A. Operation of Treatment and Disposal Facilities

1. The permittee shall ensure that the operation of this facility is as described in the application and supporting documents.

2. The operation of the pollution control facilities described in this permit shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control.

B. Record keeping Requirements:

1. The permittee shall maintain the following records on the site of the permitted facility and make them available for inspection:

   a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;

   b. Copies of all reports, other than those required in items a. and f. of this section, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule;

   c. Records of all data, including reports and documents used to complete the application for the permit for at least three years from the date the application was filed, unless otherwise specified by Department rule;

   d. A copy of the current permit;

   e. A copy of any required record drawings;

   f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule.

VI. Schedules

1. A Best Management Practices Pollution Prevention (BMP3) Plan shall be prepared and implemented in accordance with Part VII of this permit and the following schedule:

	Action Item	Scheduled Completion Date
1	Continue Implementing Existing BMP3 Plan	Issuance Date of Permit

2. The permittee shall achieve compliance with the other conditions of this permit as follows:

   a. Opertional level attained ..... Issuance Date of Permit

3. The following construction schedule shall be followed:

   a. Relocate Outfall D-030 to I-016 ..... 6 months of Issuance Date of Permit

   b. Submit Certificate of Completion of Construction (See VII.B.1) ..... 30 days of Completion of Construction

   c. Submit Record Drawings (See VII.B.2).....6 months after Completion of Construction

4. Biological Monitoring Program:

   a. Within six months of issuance of this permit, the Permittee shall meet with the Department to discuss the content of a Plan of Study (POS) for biological monitoring in accordance with the requirements of Item

I.E.10, and shall submit the POS within twelve months of issuance of this permit. The Department will review the POS and provide written comments to the permittee as needed. The permittee shall implement the POS in accordance with the approved implementation shedule.

5. Additional Intake/Discharge Sampling and Reporting

   a. Within 60 days of permit issuance the permittee shall begin additional sampling to be conducted quarterly for a total of 4 sampling events. Concurrent 24-hour composite samples shall be taken of the intake and from Outfalls D-011, D-012, and D-015 (Sample Points EFF-1, EFF-2, and EFF-3) and analyzed for Copper, Nickel, and Beryllium.

   b. Sampling results shall be submitted to the Department with the next scheduled quarterly report and include results from the sampling events since the last submittal except results submitted for the fourth quarterly report shall include summary results from all 4 sampling events.

   c. Analytical test methods, method detection limits (MDLs), and practical quantification limits (PQLs) shall be in accordance with the requirements of Section I.E.1 of this permit.

   d. If the sampling results indicate a reasonable potential for an exceedance of water quality standards and concentrations in the discharge exceed intake concentrations, taking into account sampling and analytical variations, then the Department may reopen the permit in accordance with Section VII.F.2 of this permit to include different limitations or monitoring requirements or take other action as appropriate.

6. The Permittee shall comply with the requirements of 40 CFR Part 125.95(a)(1) and (2) no later than upon submittal of a timely application for permit renewal, submitted pursuant to the requirements of Condition VII.C. of this permit.

7. No later than 14 calendar days following a date identified in the above schedule(s) of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by an identified date, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

VII. Other Specific Conditions

A. Specific Conditions Applicable to All Permits

1. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file at the Northwest District Office, are made a part hereof.

2. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.

3. This permit satisfies Industrial Wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.

B. Specific Conditions Related to Construction

1. Within thirty days of completion of construction, the permittee shall submit to the Department a completed "Certificate of Completion of Construction" (DEP Form 62-620.910(12) signed and sealed by the engineer of record or other engineer registered in the State of Florida.
2. Record drawings shall be prepared and made available in accordance with Rule 62-620.410(6), F.A.C, and the Department of Environmental Protection Guide to wastewater Permitting within six months of placing the facility into operation.

C. Duty to Reapply

1. The permittee shall submit an application to renew this permit at least 180 days before the expiration date of this permit.

2. The permittee shall apply for renewal of this permit on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Chapter 62-620, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.

3. An application filed in accordance with subsections 1. and 2. of this part shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.

4. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

D. Specific Conditions Related to Best Management Practices/Pollution Prevention Conditions

1. General Conditions

In accordance with Section 304(e) and 402(a)(2) of the Clean Water Act (CWA) as amended, 33 U.S.C. §§ 1251 et seq., and the Pollution Prevention Act of 1990, 42 U.S.C. §§ 13101-13109, the permittee must develop and implement a plan for utilizing practices incorporating pollution prevention measures. References to be considered in developing the plan are "Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act," found at 40 CFR 122.44 Subpart K and the Waste Minimization Opportunity Assessment Manual, EPA/625/7-88/003.

a. Definitions

(1) The term "pollutants" refers to conventional, non-conventional and toxic pollutants.

(2) Conventional pollutants are: biochemical oxygen demand (BOD), suspended solids, pH, fecal coliform bacteria and oil & grease.

(3) Non-conventional pollutants are those which are not defined as conventional or toxic.

(4) Toxic pollutants include, but are not limited to: (a) any toxic substance listed in Section 307(a)(1) of the CWA, any hazardous substance listed in Section 311 of the CWA, or chemical listed in Section 313(c) of the Superfund Amendments and Reauthorization Act of 1986; and (b) any substance (that is not also a conventional or non-conventional pollutant except ammonia) for which EPA has published an acute or chronic toxicity criterion.

(5) "Pollution prevention" and "waste minimization" refer to the first two categories of EPA's preferred hazardous waste management strategy: first, source reduction and then, recycling.

(6) "Recycle/Reuse" is defined as the minimization of waste generation by recovering and reprocessing usable products that might otherwise become waste; or the reuse or reprocessing of usable waste products in place of the original stock, or for other purposes such as material recovery, material regeneration or energy production.

(7) "Source reduction" means any practice which: (a) reduces the amount of any pollutant entering a waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and (b) reduces the hazards to public health and the environment associated with the release of such pollutant. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. It does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a pollutant through a process or activity which itself is not integral to, or previously considered necessary for, the production of a product or the providing of a service.

(8) "BMP3" means a Best Management Plan incorporating the requirements of 40 CFR § 122.44, Subpart K, plus pollution prevention techniques associated with a Waste Minimization Assessment.

(9) "Waste Minimization Assessment" means a systematic planned procedure with the objective of identifying ways to reduce or eliminate waste.

2. **Best Management Practices/Pollution Prevention Plan**

The permittee shall develop and implement a BMP3 plan for the facility which is the source of wastewater and storm water discharges covered by this permit. The plan shall be directed toward reducing those pollutants of concern which discharge to surface waters and shall be prepared in accordance with good engineering and good housekeeping practices. For the purposes of this permit, pollutants of concern shall be limited to toxic pollutants, as defined above, known to the discharger. The plan shall address all activities which could or do contribute these pollutants to the surface water discharge, including process, treatment, and ancillary activities. The BMP3 plan shall contain the following components:

a. Signatory Authority & Management Responsibilities

The BMP3 plan shall be signed by the permittee or their duly authorized representative in accordance with rule 62-620.305(2)(a) and (b). The BMP3 plan shall be reviewed by the plant environmental/engineering staff and plant manager. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of the BMP3 plan shall be signed and sealed by the professional(s) who prepared them.

A copy of the plan shall be retained at the facility and shall be made available to the Department upon request.

The BMP3 plan shall contain a written statement from corporate or plant management indicating management's commitment to the goals of the BMP3 program. Such statements shall be publicized or made known to all facility employees. Management shall also provide training for the individuals responsible for implementing the BMP3 plan.

b. BMP3 Plan Requirements

(1) Name & description of facility, a map illustrating the location of the facility & adjacent receiving waters, and other maps, plot plans or drawings, as necessary;

(2) Overall objectives (both short-term and long-term) and scope of the plan, specific reduction goals for pollutants, anticipated dates of achievement of reduction, and a description of means for achieving each reduction goal;

(3) A description of procedures relative to spill prevention, control & countermeasures and a description of measures employed to prevent storm water contamination;

(4) A description of practices involving preventive maintenance, housekeeping, recordkeeping, inspections, and plant security; and

c. Waste Minimization Assessment

The permittee is encouraged but not required to conduct a waste minimization assessment (WMA) for this facility to determine actions that could be taken to reduce waste loadings and chemical losses to all wastewater and/or storm water streams as described in Part VII.D.3 of this permit.

If the Permittee elects to develop and implement a WMA, information on plan components can be obtained from the Department's Industrial Wastewater website, or from:

Florida Department of Environmental Protection
Industrial Wastewater Section, Mail Station 3545
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

(850) 245-8589
(850) 245-8669 -- Fax

d. Best Management Practices & Pollution Prevention Committee Recommended:

A Best Management Practices Committee (Committee) should be established to direct or assist in the implementation of the BMP3 plan. The Committee should be comprised of individuals within the plant organization who are responsible for developing the BMP3 plan and assisting the plant manager in its implementation, monitoring of success, and revision. The activities and responsibilities of the Committee should address all aspects of the facility's BMP3 plan. The scope of responsibilities of the Committee should be described in the plan.

e. Employee Training

Employee training programs shall inform personnel at all levels of responsibility of the components & goals of the BMP3 plan and shall describe employee responsibilities for implementing the plan. Training shall address topics such as good housekeeping, materials management, record keeping & reporting, spill prevention & response, as well as specific waste reduction practices to be employed. Training shall also disclose how individual employees may contribute suggestions concerning the BMP3 plan or suggestions regarding Pollution Prevention. The plan shall identify periodic dates for such training.

f. Plan Development & Implementation

The BMP3 plan shall be implemented upon the effective date of this permit, unless any later dates are specified in this permit. If a WMA is ongoing at the time of development or implementation it may be described in the plan. Any waste reduction practice which is recommended for implementation over a period of time may also be identified in the plan, including a schedule for its implementation.

g. Submission of Plan Summary & Progress/Update Reports

(1) Plan Summary: Not later than 2 years after the effective date of the permit, a summary of the BMP3 plan shall be developed and maintained at the facility and made available to the Department upon request. The summary shall include the following: a brief description of the plan, its implementation process, schedules for implementing identified waste reduction practices, and a list of all waste reduction practices being employed at the facility. The results of WMA studies, as well as scheduled WMA activities may be discussed.

(2) Progress/Update Reports: Annually thereafter for the duration of the permit progress/update reports documenting implementation of the plan shall be maintained at the facility and made available to the Department upon request. The reports shall discuss whether or not implementation schedules were met and revise any schedules, as necessary. The plan shall also be updated as necessary and the attainment or progress made toward specific pollutant reduction targets documented. Results of any ongoing WMA studies as well as any additional schedules for implementation of waste reduction practices may be included.

(3) A recommended timetable for the various plan requirements follows:

Timetable for BMP3 Plan:

ELEMENT	TIME FROM EFFECTIVE DATE OF THIS PERMIT
Complete WMA (if appropriate)	6 months
Progress/Update Reports	3 years, and then annually thereafter

The permittee shall maintain the plan and subsequent reports at the facility and shall make the plan available to the Department upon request.

h. Plan Review & Modification

If following review by the Department, the BMP3 plan is determined insufficient, the permittee will be notified that the BMP3 plan does not meet one or more of the minimum requirements of this Part. Upon such notification from the Department, the permittee shall amend the plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 30 days after such notification to make the changes necessary.

The permittee shall modify the BMP3 plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to waters of the State or if the plan proves to be ineffective in achieving the general objectives of reducing pollutants in wastewater or storm water discharges. Modifications to the plan may be reviewed by the Department in the same manner as described above.

E. Specific Conditions Related to Existing Manufacturing, Commercial, Mining, and Silviculture Wastewater Facilities or Activities

1. Existing manufacturing, commercial, mining, and silvicultural wastewater facilities or activities that discharge into surface waters shall notify the Department as soon as they know or have reason to believe:

   a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels
      (1) One hundred micrograms per liter,
      (2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony, or
      (3) Five times the maximum concentration value reported for that pollutant in the permit application.

   b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels
      (1) Five hundred micrograms per liter,
      (2) One milligram per liter for antimony, or
      (3) Ten times the maximum concentration value reported for that pollutant in the permit application.

F. Reopener Clause

1. The permit shall be revised, or alternatively, revoked and reissued in accordance with the provisions contained in Rules 62-620.325 and 62-620.345 F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standards, limitations, or water quality standards so issued or approved:

   a. Contains different conditions or is otherwise more stringent than any condition in the permit/or;

   b. Controls any pollutant not addressed in the permit.

   The permit as revised or reissued under this paragraph shall contain any other requirements then applicable.

2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement.

3. The Department may develop a Total Maximum Daily Load (TMDL) during the life of the permit. Once a TMDL has been established and adopted by rule, the Department shall revise this permit to incorporate the final findings of the TMDL.

VIII. General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, F.S. Any permit noncompliance constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. *[62-620.610(1), F.A.C.]*

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. *[62-620.610(2), F.A.C.]*

3. As provided in Subsection 403.087(6), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringements of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. *[62-620.610(3), F.A.C.]*

4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. *[62-620.610(4), F.A.C.]*

5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. *[62-620.610(5), F.A.C.]*

6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. *[62-620.610(6), F.A.C.]*

7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. *[62-620.610(7), F.A.C.]*

8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. *[62-620.610(8), F.A.C.]*

9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to
   a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
   b. Have access to and copy any records that shall be kept under the conditions of this permit;
   c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
   d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.

   [62-620.610(9), F.A.C.]

10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the

Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. *[62-620.610(10), F.A.C.]*

11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. *[62-620.610(11), F.A.C.]*

12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. *[62-620.610(12), F.A.C.]*

13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. *[62-620.610(13), F.A.C.]*

14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the Department approves the transfer. *[62-620.610(14), F.A.C.]*

15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15), F.A.C.]*

16. The permittee shall apply for a revision to the Department permit in accordance with Rule 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. *[62-620.610(16), F.A.C.]*

17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
    a. A description of the anticipated noncompliance;
    b. The period of the anticipated noncompliance, including dates and times; and
    c. Steps being taken to prevent future occurrence of the noncompliance.
    [62-620.610(17), F.A.C.]

18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.
    a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).

b. If the permittee monitors any contaminate more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
d. Any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health (DOH) under Chapter 64E-1, F.A.C., where such certification is required by Rule 62-160.300(4), F.A.C. The laboratory must be certified for any specific method and analyte combination that is used to comply with this permit. For domestic wastewater facilities, the on-site test procedures specified in Rule 62-160.300(4), F.A.C., shall be performed by a laboratory certified test for those parameters or under the direction of an operator certified under Chapter 62-602, F.A.C.
e. Fields activities including on-site tests and sample collection, whether performed by a laboratory or a certified operator, must follow the applicable procedures described in DEP-SOP-001/01 (January 2002). Alternate field procedures and laboratory methods may be used where they have been approved according to the requirements of Rules 62-160.220, 62-160.330, and 62-160.600, F.A.C.
[62-620.610(18), F.A.C.]

19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. *[62-620.610(19), F.A.C.]*

20. The permittee shall report to the Department's Central District Office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
    a. The following shall be included as information which must be reported within 24 hours under this condition:
        (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
        (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
        (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
        (4) Any unauthorized discharge to surface or ground waters.
    b. Oral reports as required by this subsection shall be provided as follows:
        (1) For unauthorized releases or spills of untreated or treated wastewater reported pursuant to subparagraph a.4 that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
            (a) Name, address, and telephone number of person reporting;
            (b) Name, address, and telephone number of permittee or responsible person for the discharge;
            (c) Date and time of the discharge and status of discharge (ongoing or ceased);
            (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
            (e) Estimated amount of the discharge;
            (f) Location or address of the discharge;
            (g) Source and cause of the discharge;
            (h) Whether the discharge was contained on-site, and cleanup actions taken to date;

(i) Description of area affected by the discharge, including name of water body affected, if any; and
(j) Other persons or agencies contacted.

(2) Oral reports, not otherwise required to be provided pursuant to subparagraph b(1) above, shall be provided to Department's Central District Office within 24 hours from the time the permittee becomes aware of the circumstances.

c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Central District Office shall waive the written report.

[62-620.610(20), F.A.C.]

21. The permittee shall report all instances of noncompliance not reported under Conditions VIII. 18 and 19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII. 20. of this permit. *[62-620.610(21), F.A.C.]*

22. Bypass Provisions.
    a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
        (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
        (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
        (3) The permittee submitted notices as required under Condition VIII.22.b. of this permit.
    b. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Condition VIII.20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
    c. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Condition VIII.22 a. (1) through (3) of this permit.
    d. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Condition VIII.22.a. through c. of this permit.
    [62-620.610(22), F.A.C.]

23. Upset Provisions
    a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
        (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
        (2) The permitted facility was at the time being properly operated;
        (3) The permittee submitted notice of the upset as required in Condition VIII.20. of this permit; and
        (4) The permittee complied with any remedial measures required under Condition VIII.5. of this permit.
    b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
    c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.
    [62-620.610(23), F.A.C.]

PERMITTEE:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

PERMIT NUMBER: FL0001473

Issuance date: August 10, 2005
Expiration date: August 9, 2010

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Mimi A. Drew
Director, Division of Water Resource Management

2600 Blair Stone Road
Tallahassee, FL 32399-2400
(850) 245-8336

FDEP ENVIRONMENTAL RESOURCES PERMIT
NO. 05-241187-4

CONSTRUCTION OF PEDESTRIAN BRIDGE
AND SHORELINE

Department of Environmental Protection

ORIGINAL

Lawton Chiles
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Virginia B. Wetherell
Secretary

RECEIVED
DEC 27 1995
ENVIRONMENTAL AFFAIRS

Notification of Exemption

December 20, 1995

Florida Power & Light Company
c/o Jim Brawner
Environmental Specialist II
Post Office Box 088801
North Palm Beach, FL 33408-8801

Brevard County - ERP
File No. 05-281187-4

Dear Mr. Brawner:

Thank you for your application (copy of drawings enclosed) to install eight 7-pile dolphins in the Indian River, Section 19, Township 23 South, Range 36 East. Based on the information you sent to us, we have determined that your project is exempt from the need for an environmental resource permit under Rule 40C-4.051(f), Florida Administrative Code.

Authorization to use state-owned submerged land for dolphin installation will be issued in the Letter of Consent for proposed maintenance dredging under File #05-275958-4.

You may need additional permits from the U.S. Army Corps of Engineers and other county and city agencies before you begin construction.

If you change the project from what you submitted, you may no longer qualify for the exemption. Please contact us prior to construction if you wish to make any changes.

Please contact Susan Leitholf at the letterhead address or telephone 407/894-7555 if you have any questions.

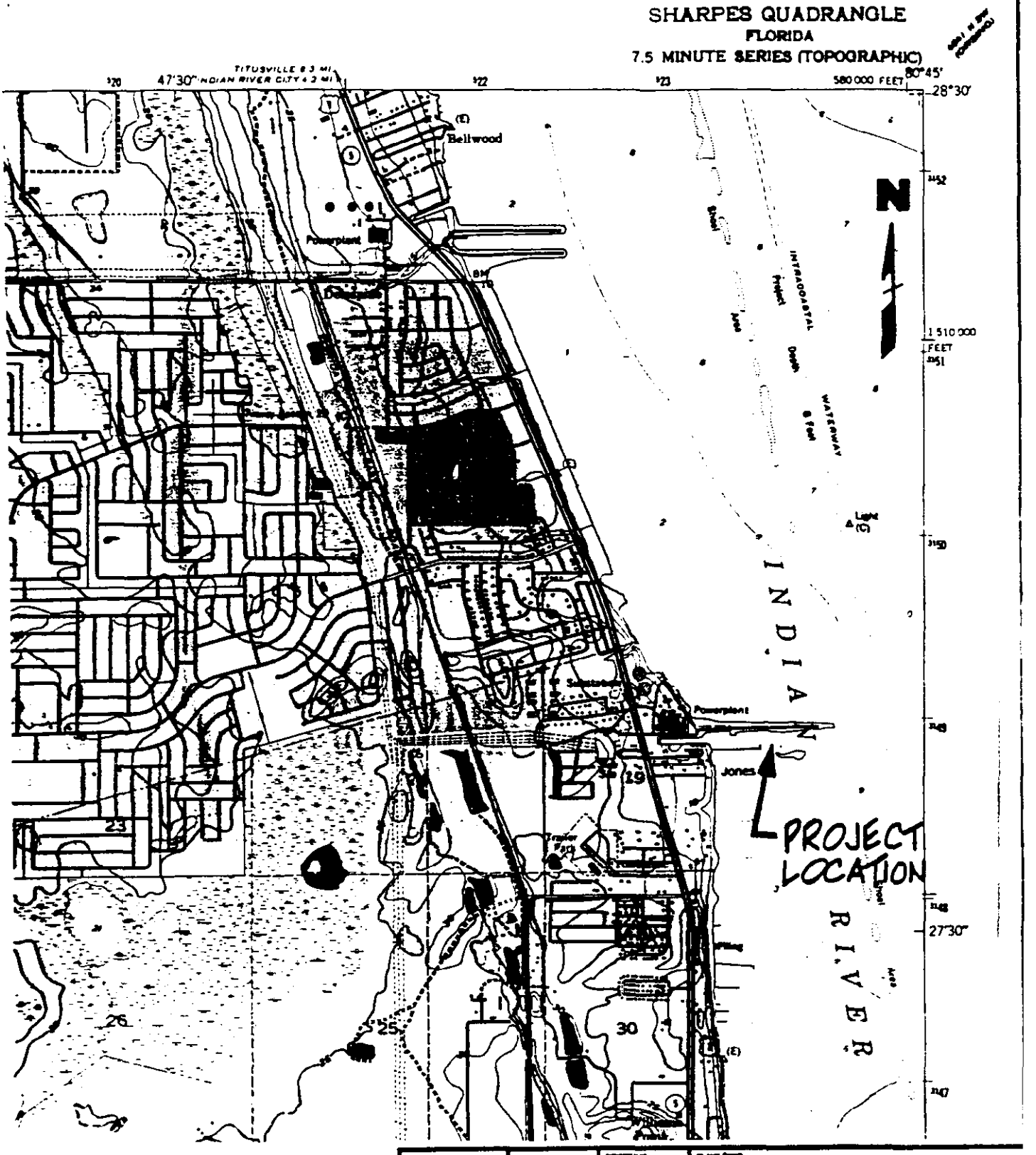
Sincerely,

Guy Hadley
Environmental Manager
Submerged Lands and Environmental
Resource Permitting

GH:sl:jm

Attachments
Drawings

ORIGINAL



Christian Kopacek 5/7/96

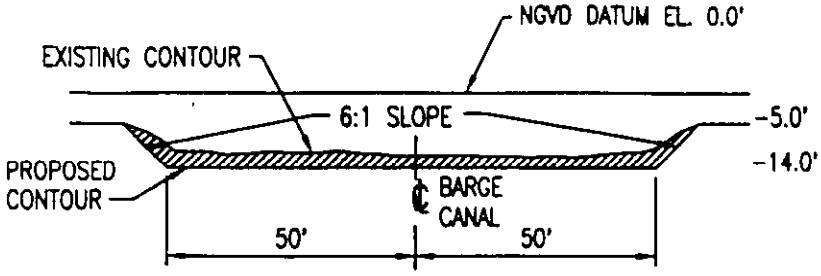
REV	DATE	REVISION DESCRIPTION	BY	CH	COR	APR	ORG
1	8/7/95	ADDED SHT. 4 & DOLPHIN INFO	DHS	MCG		BK	EBH
0	5/1/96	ISSUED FOR PERMIT	DHS	MCG		BK	EBH

FPL

SCALE N/A	DISCIPLINE C	PLANT/AREA CAPE CANAVERAL PLANT
DRAWING SIZE A (8.5X11)	CAD FILE NAME	TITLE PROPOSED BARGE CANAL & INTAKE CANAL DREDGING IN SECTION 19, T23S, R36E, BREVARD CO.
	FPL ARCHIVE NAME	

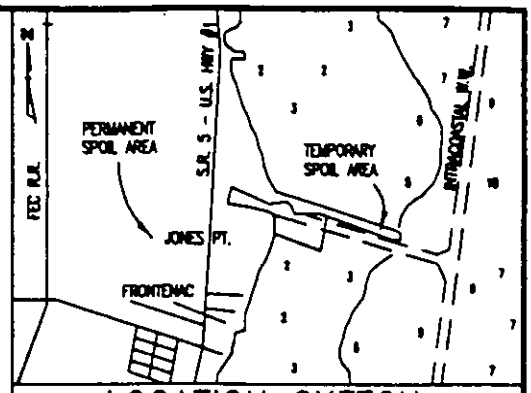
DRAWING NUMBER PCC1-C0202-ZZ/RTS-PCC-J-019-94 | SHEET 1 OF 4 | REV 1

ORIGINAL



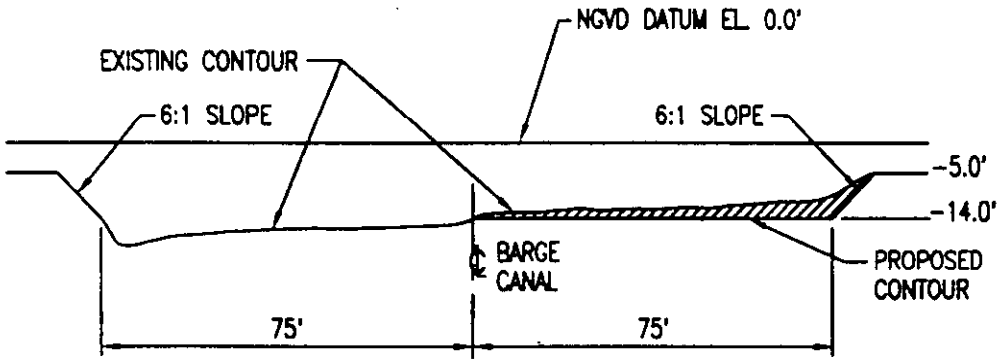
SECTION A-A

SCALE: HORIZ. 0' 20' 40'



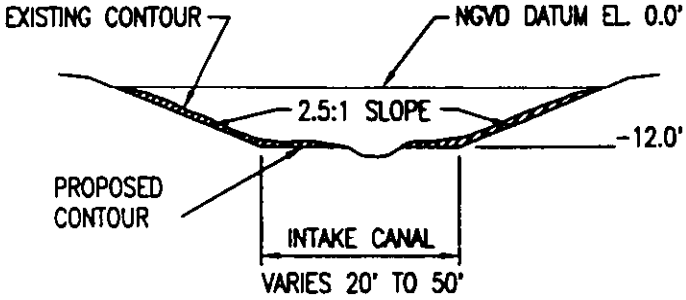
LOCATION SKETCH

FROM CHART 11485
NTS



SECTION B-B

SCALE: HORIZ. 0' 20' 40'



SECTION C-C

NTS

NOTES:

1. DATUM IS NGVD. M.L.W. = -0.10
   M.H.W. = 0.22
2. DREDGE QUANTITIES:
   INTAKE CANAL 450 CUBIC YARDS
   BARGE CANAL ~~49,000~~ CUBIC YARDS
   FILL QUANTITY (PILE INSTALLATION)
   INTAKE CANAL 1.0 CUBIC YARD
   BARGE CANAL 20 CUBIC YARDS
   1
3. SPOIL MATERIAL TO BE ULTIMATELY DISPOSED OF AT AN APPROVED LANDFILL.

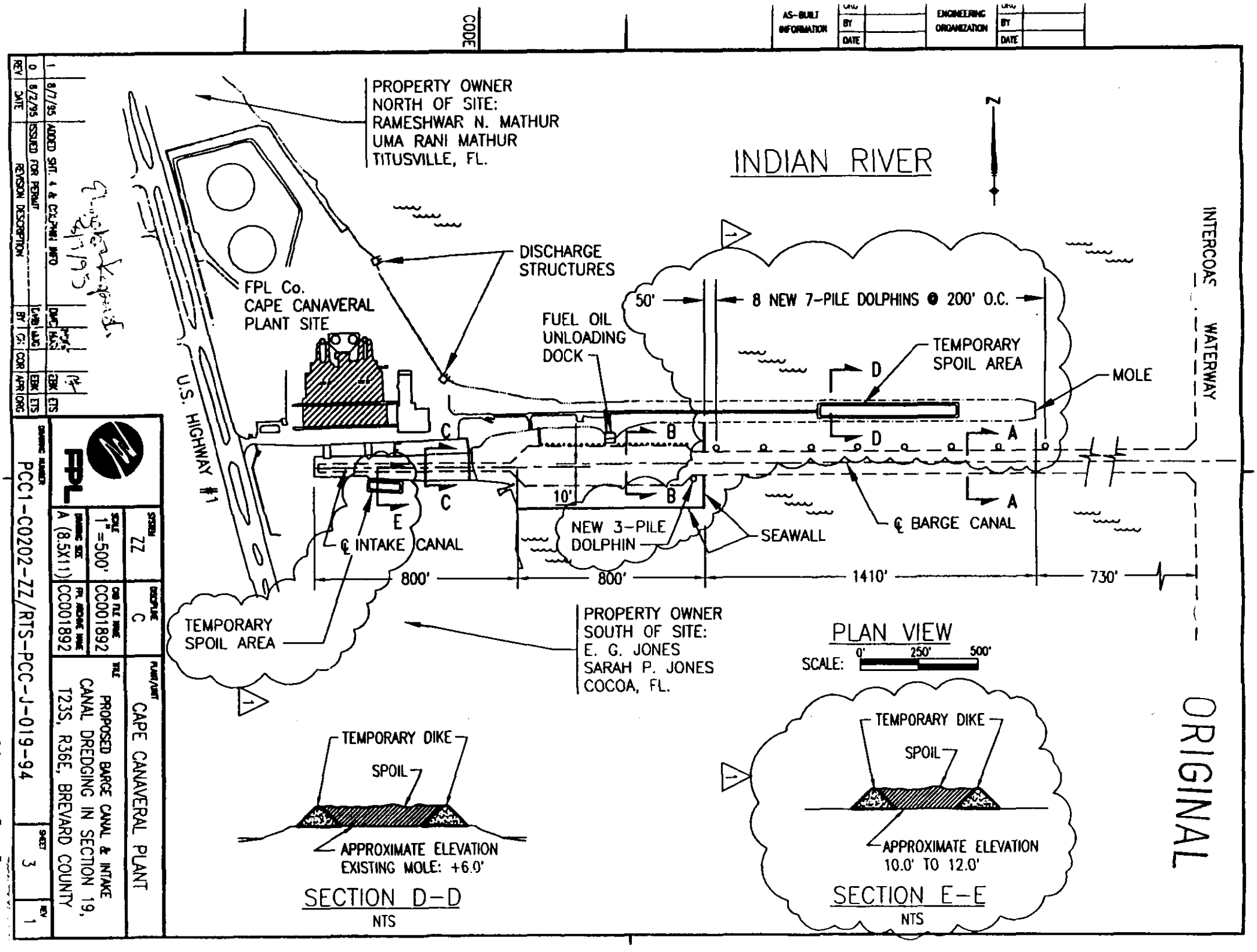
REV	DATE	REVISION DESCRIPTION	BY	CH	COR	APR	ORG
1	8/7/95	ADDED STAT. 4 & DOLPHIN INFO	JMB	MJC		EBK	ETS
0	5/2/95	ISSUED FOR PERMIT	DMG	MJC		EBK	ETS

FPL

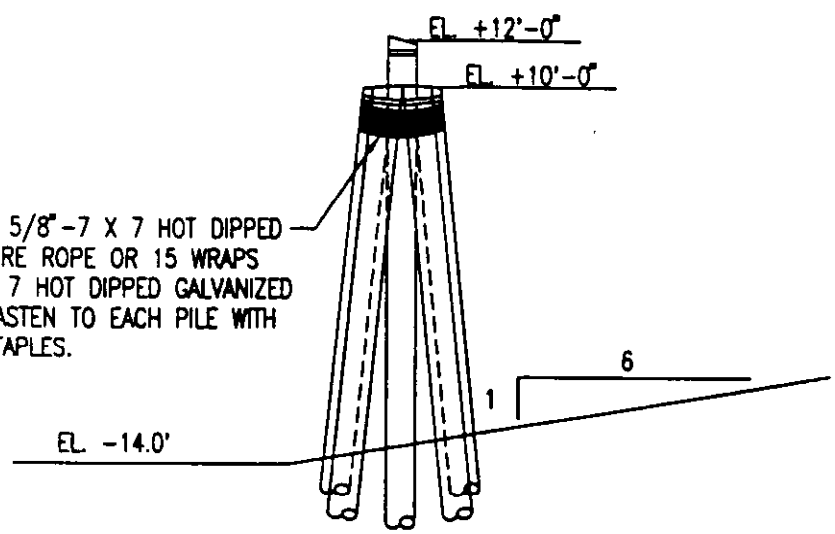
SYSTEM	DISCIPLINE	PLANT/UNIT
ZZ	C	CAPE CANAVERAL PLANT
SCALE: 1"=40'	CAD FILE NAME: CC001874	TITLE: PROPOSED BARGE CANAL & INTAKE CANAL DREDGING IN SECTION 19, T23S, R36E, BREVARD COUNTY
DRAWING SIZE: A (8.5X11)	FPL ARCHIVE NAME: CC001874	

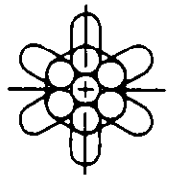
DRAWING NUMBER: PCC1-C0202-ZZ/RTS-PCC-J-019-94

SHEET: 2 REV: 1


CODE
AS-BUILT INFORMATION
ENGINEERING ORGANIZATION
REV
DATE
REVISION DESCRIPTION
0 8/2/95 ISSUED FOR PERMIT
1 8/7/95 ADDED SHT. 4 & COLPHER INFO
PROPERTY OWNER NORTH OF SITE:
RAMESHWAR N. MATHUR
UMA RANI MATHUR
TITUSVILLE, FL.
INDIAN RIVER
N
INTERCOAS WATERWAY
DISCHARGE STRUCTURES
FPL Co.
CAPE CANAVERAL
PLANT SITE
U.S. HIGHWAY #1
FUEL OIL
UNLOADING
DOCK
50'
8 NEW 7-PILE DOLPHINS @ 200' O.C.
TEMPORARY
SPOIL AREA
MOLE
D
A
B
C
E
10'
NEW 3-PILE
DOLPHIN
SEAWALL
℄ BARGE CANAL
℄ INTAKE CANAL
800'
800'
1410'
730'
TEMPORARY
SPOIL AREA
PROPERTY OWNER
SOUTH OF SITE:
E. G. JONES
SARAH P. JONES
COCOA, FL.
PLAN VIEW
SCALE: 0' 250' 500'
TEMPORARY DIKE
SPOIL
APPROXIMATE ELEVATION
EXISTING MOLE: +6.0'
SECTION D-D
NTS
TEMPORARY DIKE
SPOIL
APPROXIMATE ELEVATION
10.0' TO 12.0'
SECTION E-E
NTS
ORIGINAL
FPL
DRAWING NUMBER
PCC1-C0202-ZZ/RTS-PCC-J-019-94
SYSTEM ZZ
DISCIPLINE C
SCALE 1"=500'
DRAWING SIZE A (8.5X11)
CAD FILE NAME CC001892
FPL ARCHIVE NAME CC001892
PLANT/UNIT CAPE CANAVERAL PLANT
TITLE PROPOSED BARGE CANAL & INTAKE CANAL DREDGING IN SECTION 19, T23S, R36E, BREVARD COUNTY
SHEET 3
REV 1

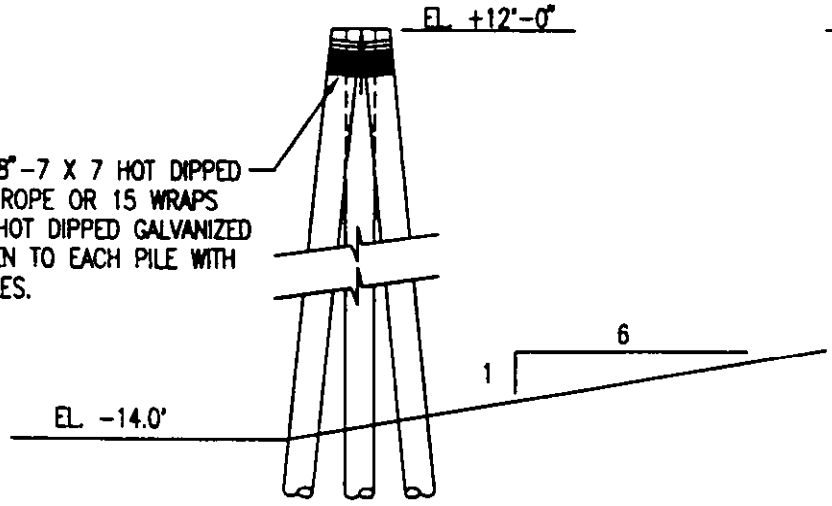
ORIGINAL

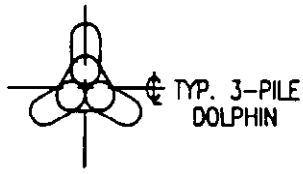




PLAN

TYP. 7-PILE DOLPHIN ELEVATION





PLAN

TYP. 3-PILE DOLPHIN ELEVATION

REV	DATE	REVISION DESCRIPTION	BY	CH	COR	APR	ORG
1	8/7/95	ADDED SHT. 4 & DOLPHIN INFO	DMB	MJG		EBK	ETS
0	8/2/95	ISSUED FOR PERMIT	PWB	MJG		EBK	ETS

Elizabeth Kennedy 8/7/95

FPL

SYSTEM	DISCIPLINE	PLANT/UNIT
ZZ	C	CAPE CANAVERAL PLANT
SCALE: 1/8"=1'-0"	CAD FILE NAME: CC001893	TITLE: PROPOSED BARGE CANAL & INTAKE DOLPHIN DETAILS
DRAWING SIZE: A (8.5X11)	FPL ARCHIVE NAME: CC001893	

DRAWING NUMBER: PCC1-C0202-ZZ/RTS-PCC-J-019-94

SHEET: 4 REV: 1

ENGINEERING ORGANIZATION | BY | DATE

AS-BUILT INFORMATION | BY | DATE

CODE

Florida Department of
Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Lawton Chiles
Governor

Virginia B. Wetherell
Secretary

Permittee:
Florida Power & Light Company
c/o Construction Technology, Inc.
Post Office Box 16576
West Palm Beach, FL 33116-6576

I. D. Number:
Permit/Certification
Number: 05-241187-4
Date of Issue: 3/29/94
Expiration Date: 3/29/99
County: Brevard
Latitude/Longitude
28°28'05"/80°45'49"
Section/Township/Range:
19 / 23S / 36E
Permittee: FP&L/Cape Canaveral Plant

This permit is issued under the provisions of Chapter(s) 403 and/or Chapter 373, Florida Statutes, and Title 17 Florida Administrative Code Rule. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and *specifically described as follows:*

To replace and widen a pedestrian bridge 118 feet long by 6 feet wide over a canal, and to stabilize three 100 foot segments of shoreline with coquina rock in the Indian River. The first segment will involve 23 linear feet of wavebreak and 77 linear feet of rip rap. The other two segments will involve the installation of only rip rap. The project is located at the Florida Power and Light Company's Cape Canaveral Power Plant in Section 19, Township 23 South, Range 36 East in Brevard County.

LOCATION: Five miles north of State Road 528, off of U.S. #1, in Section 19, Township 23 South, Range 36 East in Brevard County.

Printed on recycled paper

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 402.727, or 403.859 through 403.861 and/or Chapter 373, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in subsections 403.087(6) and 403.722(5) and/or Chapter 373, F.S., the issuance of this permit does not convey any vested rights of public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of this total project which are not addressed in this permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, on property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permitee to achieve compliance with the conditions of this permit, as required by the Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

   (a) Have access to and copy any records that must be kept under conditions of the permit;

(b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and

(c) Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any conditions or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

(a) a description of and cause of noncompliance; and

(b) The period of noncompliance, including dates and times; or, if not corrected. the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent re-currence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73 and/or Chapter 373, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rule of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 17-302.500, shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

11. This permit is transferable only upon Department approval in accordance with Rule 17-4.120 and 17-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept a the work site of the permitted activity.

13. This permit also constitutes certification of compliance with State Water Quality Standards (Section 401, PL-92-500).

14. The permittee shall comply with the following:

    a. upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

    b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

    c. Records of monitoring information shall include:

        1. the date, exact place, and time of sampling or measurements;

        2. the person responsible for performing the sampling or measurements;

        3. the dates analyses were performed;

        4. the person responsible for performing the analyses;

        5. the analytical techniques or methods used;

        6. the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

Permittee:
Florida Power & Light Company

I.D. Number:
Permit/Certification
Number: 05-241187-4
Date of Issue: 3/29/94
Expiration Date: 3/29/99

SPECIFIC CONDITIONS:

1. Prior to construction of work authorized by this permit, the permittee shall provide written notification of the date of commencement of construction to the Central District Office of the Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767.

2. Turbidity controls shall be utilized in the immediate work area and down stream of the project site. The controls shall be maintained throughout the duration of the project, and shall be effective in maintaining turbidity levels not exceeding 29 NTU's above background conditions.

3. Within 30 days of completion of work authorized by this permit, the permittee shall provide written notification of the date of completion of construction to the Central District office of the Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-376711.

4. Anchored turbidity barriers shall be installed prior to construc commencement (around the bridge, and around the entire work area of shoreline stabilization) and remain until all work is complete a background conditions have returned.

5. The existing pedestrian bridge shall be removed entirely and displaced in an upland disposal site, not in wetlands or waters of the state.

6. ONLY three 100 foot long areas of shoreline stabilization is authorized in this permit.

   Site #1 is located on the south side of the point, immediately west of the concrete containment wall. The first 23 feet of the area west of the concrete wall shall be stabilized with a wavebreak made of coquina rock. The base of the wavebreak shall be no greater than 3 - 4 feet in total width and the top of the wavebreak should be 1 - 2 feet in width. The wavebreak shall be installed a minimum of 2 to 3 feet waterward of any mangroves and their root systems, and any other desirable vegetation within that area. The remaining 77 linear feet shall be stabilized with as a rip rap revetment. The coquina rock rip rap shall be installed following existing shoreline conditions. The maximum width of the rip rap shall not exceed 6 feet.

   Site #2 is also located on the south side. Here 100 linear feet of coquina rock rip rap is authorized with a maximum width of 6 feet.

   Site #3 is located on the north side, "directly" opposite of Site #2. No rip rap shall be installed within 2 - 3 feet of any mangrove system, including their roots and branches. The 100 linear feet of rip rap shall follow existing shoreline contours, no backfilling is authorized, and all existing vegetation behind and waterward (including algae and seagrasses) of the rip rap shall remain natural and undisturbed. The maximum width of the rip rap in this area shall be 4 to 5 feet!

Permittee:
Florida Power & Light Company

I.D. Number:
Permit/Certification
Number: 0-5-241187-4
Date of Issue: 3/29/94
Expiration Date: 3/29/99

SPECIFIC CONDITIONS:

7. **PRIOR** to any shoreline stabilization commencement, the Department shall conduct a field inspection to insure that the three areas are properly located. Stakes should be installed in 25 foot increments in each area. The stakes should represent the top of bank and toe of slope of the rip rap. Please contact the Department to schedule a site inspection in advance (at least one week) and prior to any of the shoreline work.

8. Absolutely no fill material or backfilling is authorized.

9. The rip rap revetment shall be installed with a 2:1 (horizontal:vertical) slope.

10. The rip rap and wavebreak shall consist of clean coquina rocks ranging in size from six inches to two feet in diameter.

11. There shall be a filter cloth installed between the wavebreak and/or rip rap and the existing ground.

★ 12. Any existing debris, concrete pieces, steel pieces, concrete with steel reinforcements, etc. shall be removed from the shoreline and disposed of in an upland disposal site.

13. There shall be no storage or stockpiling of tools or materials within the wetlands or waters of the state.

14. The project shall comply with applicable state water quality standards, including:

    A. 17-302.500 - minimum criteria for all surface waters at all places and at all times,
    B. 17-302.510 - Surface waters: general criteria, and

    C. 17-302.560 - Class III Waters - Recreation - Propagation and maintenance of a healthy, well-balanced population of Fish and Wildlife.

    D. 17-302.510(5)(r) - Turbidity shall not exceed 29 Nephelometric Turbidity Units above natural background.

15. The waters of the state wetland lines shown on the attached plans are only binding upon the Department and the District in those specific locations where dredging or filling activity is authorized by this permit. Those portions of the wetland line which extend beyond the scope of work authorized by this permit are for reference only and shall not be relied upon for future compliance with Section 403.913 and/or Chapter 373, F.S., or any other provision of law.

16. The permittee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the

Permittee:
FLORIDA POWER & LIGHT COMPANY

I.D. Number:
Permit/Certification
Number: 05-241187-4
Date of Issue: 3/29/94
Expiration Date: 3/29/99

SPECIFIC CONDITIONS:

Department of Natural Resources under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Florida Administrative Code Rule 16Q-14, if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to $10,000 per offense.

17. If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, 550 S. Bronough Street, Tallahassee, Florida 32399-0250.

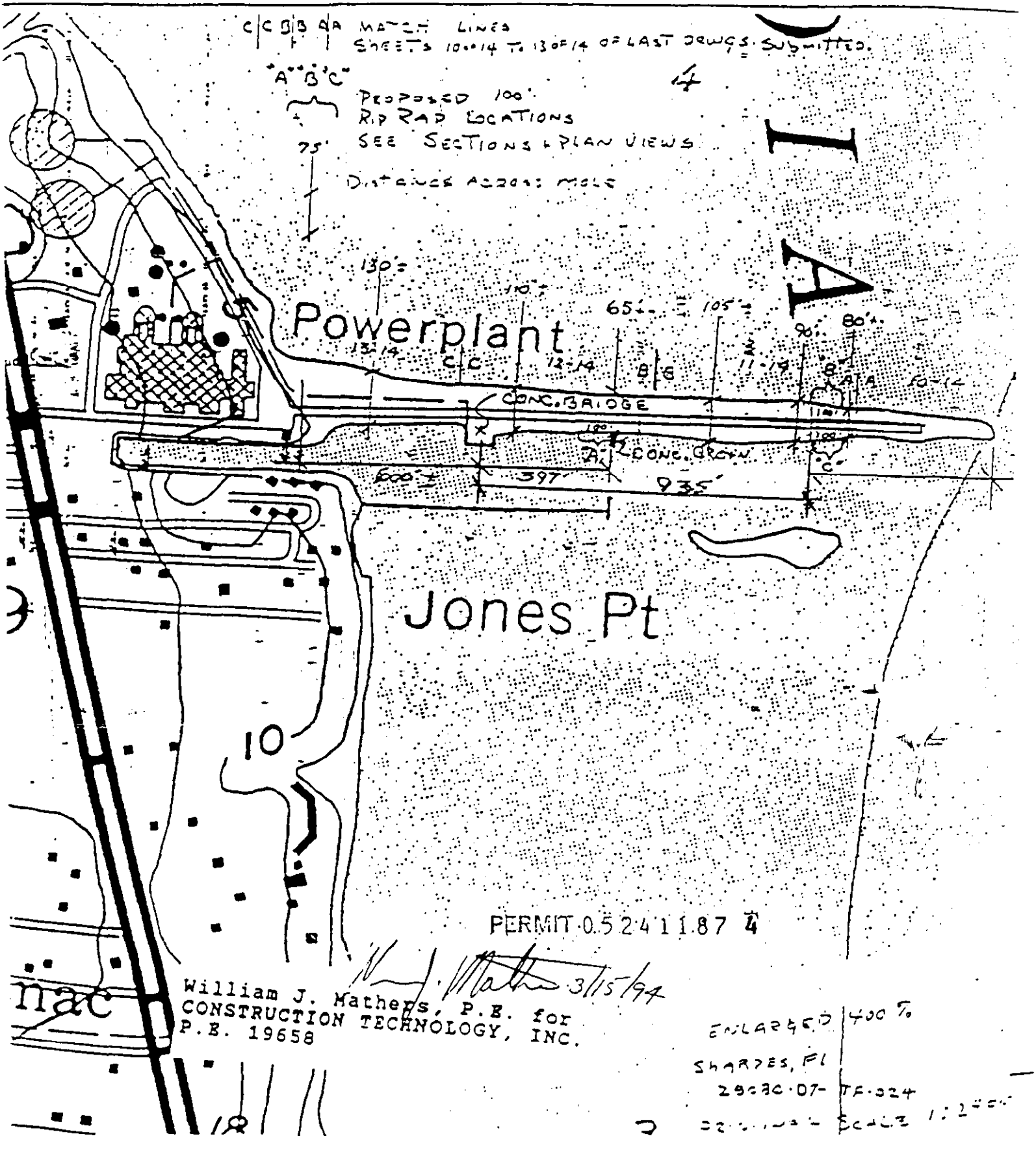
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

A. Alexander
District Director

ISSUED 3/29/94

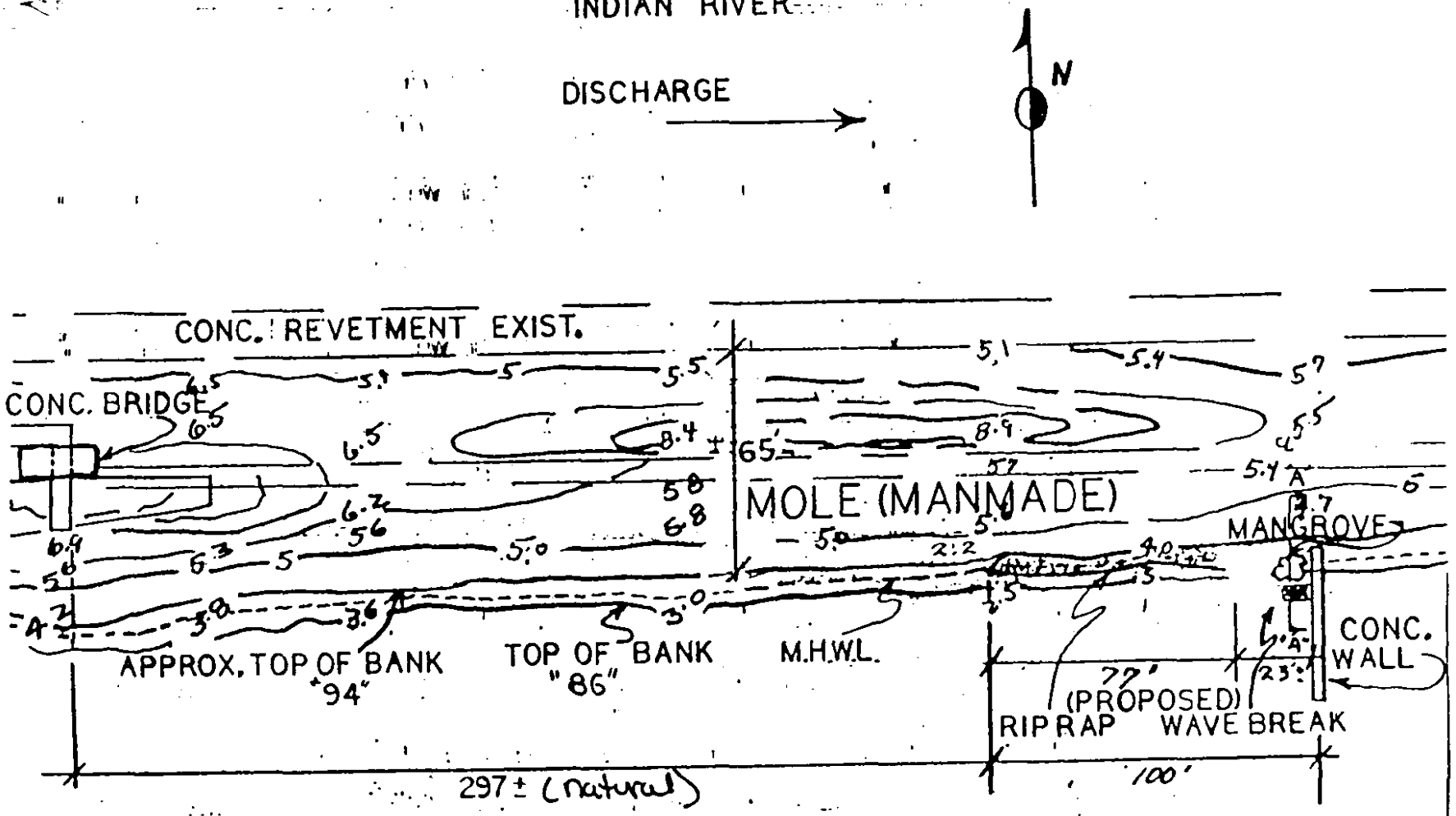
CONSTRUCTION TECHNOLOGY, INC.
P.O. Box 16576, West Palm Beach, FL 33416-6576
WPB 407-683-7495

JOB NO. 566 PAGE 1 OF 1
DESIGNED: JAS DATE 3/15/94
CHECKED: WJM SCALE NTS
DWG. NO. _____ DRAWN BY: J



JOB FPLC AVIAL REVETMENT
SHEET NO 2 OF 15
CALCULATED BY J.A.S. DATE 3/14/94
CHECKED BY W.J.M. DATE
SCALE 1" = 50'

Construction Technology, Inc.
P.O. Box 16576
West Palm Beach, FL 33416-6576
WPB (407) 683-7495
STUART (407) 287-2362



ELEVATIONS TAKEN FROM
1986 F.P.L. SURVEY 913-E-96591

SCALE 1" = 50'

PLAN VIEW

INTAKE

PERMIT 05241187 4

INDIAN RIVER

W. J. Mathers 3/15/94

William J. Mathers, P.E. for
CONSTRUCTION TECHNOLOGY, INC.
P.E. 19658

Only 100 Linear feet (23' of wavebreak and 77' feet riprap) is proposed.

JOB FPL NA SAL REVETMENT

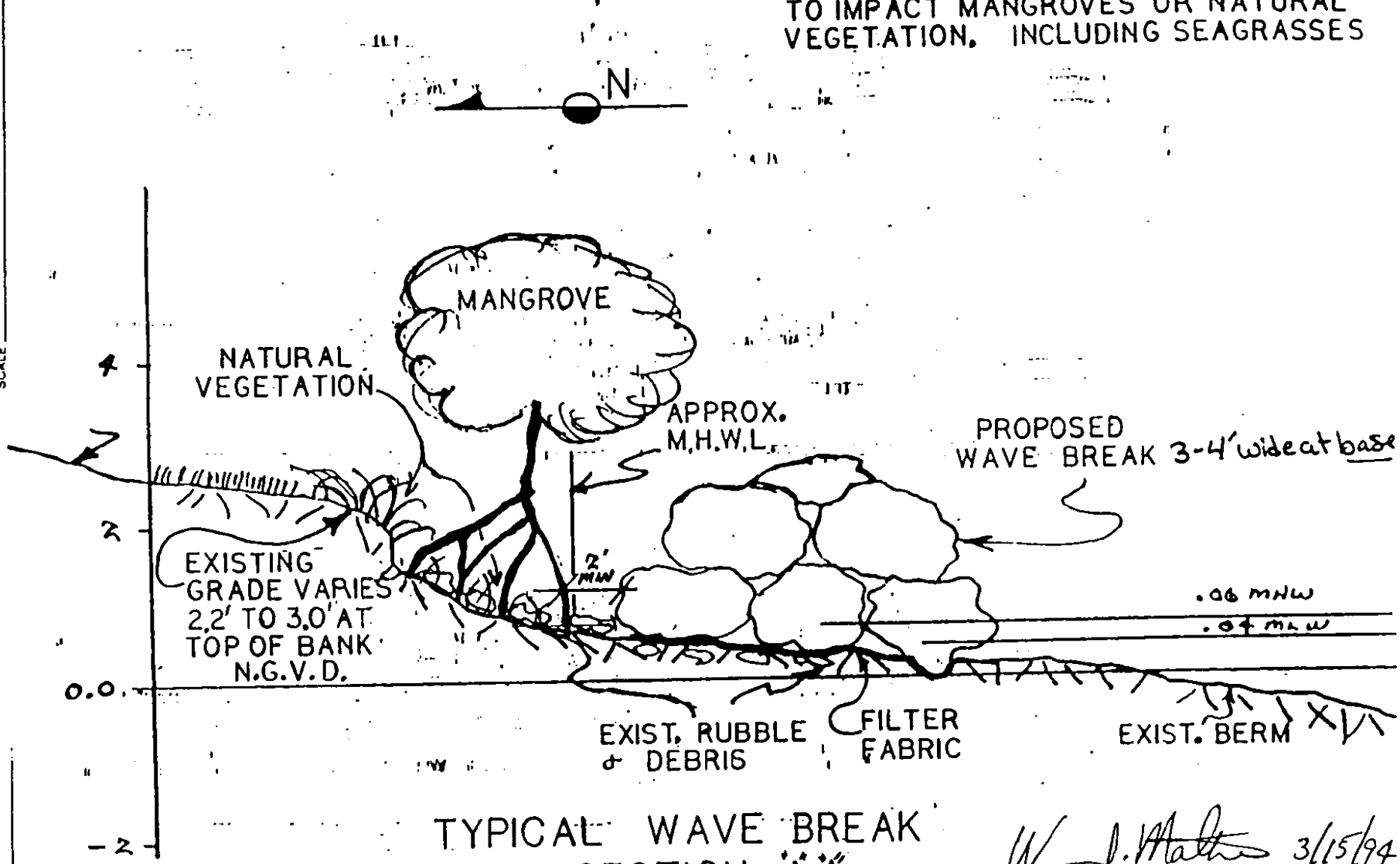
SHEET NO 3 OF 15

CALCULATED BY JAS DATE 3/14/94

CHECKED BY WJM DATE 3/15/94

SCALE 1" = 2'

NOTE: 1' TO 2' NATURAL ROCK BOULDERS TO BE PLACED BY HAND AS NOT TO IMPACT MANGROVES OR NATURAL VEGETATION, INCLUDING SEAGRASSES



TYPICAL WAVE BREAK SECTION "A"

PERMIT 05241187

Construction Technology, Inc.
P.O. Box 16576
West Palm Beach, FL 33416-6576
WPB (407) 683-7495
STUART (407) 287-2362

W. J. Mathers 3/15/94

William J. Mathers, P.E. for
CONSTRUCTION TECHNOLOGY, INC.
P.E. 19658

Work authorized by this permit is subject to all conditions of the permit.

JOB FPL NATURAL REVENTMENT

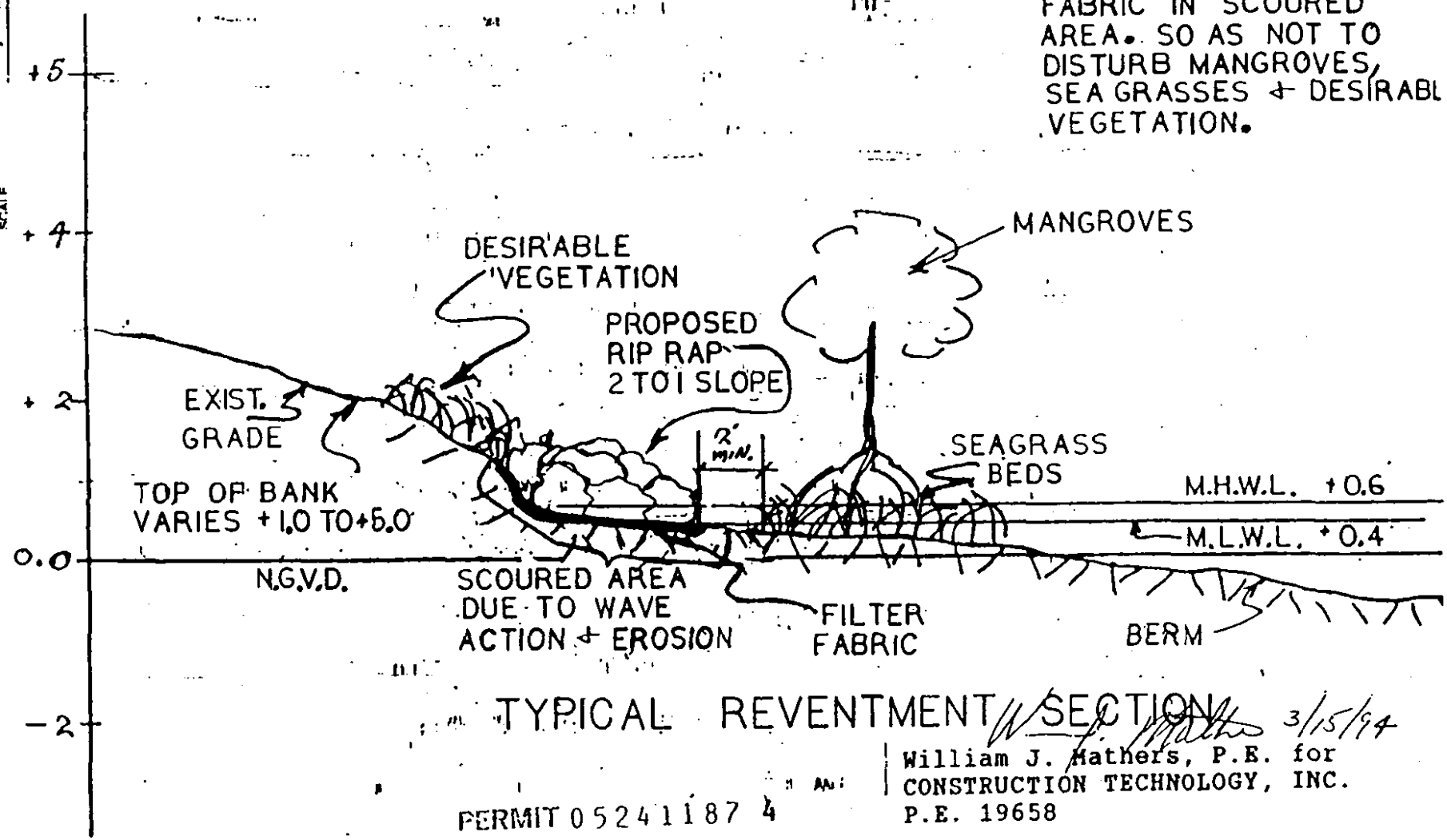
SHEET NO 4 OF 15

CALCULATED BY JAS DATE 3/15/94

CHECKED BY WJM DATE 3/15/94

SCALE 1" = 2'

NOTE: RIP RAP TO BE PLACED BY HAND ON FILTER FABRIC IN SCOURED AREA. SO AS NOT TO DISTURB MANGROVES, SEA GRASSES & DESIRABL VEGETATION.



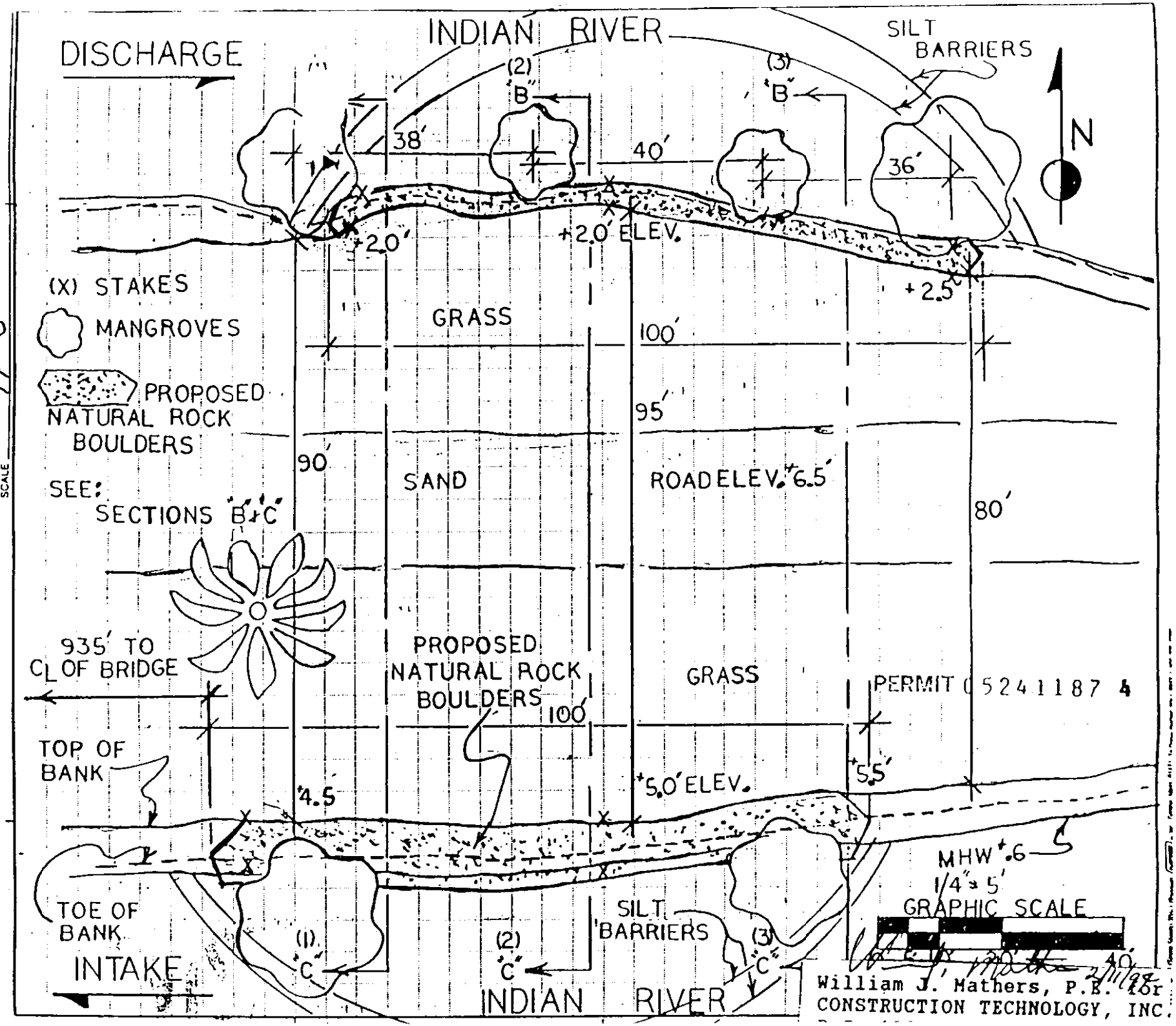
TYPICAL REVENTMENT SECTION

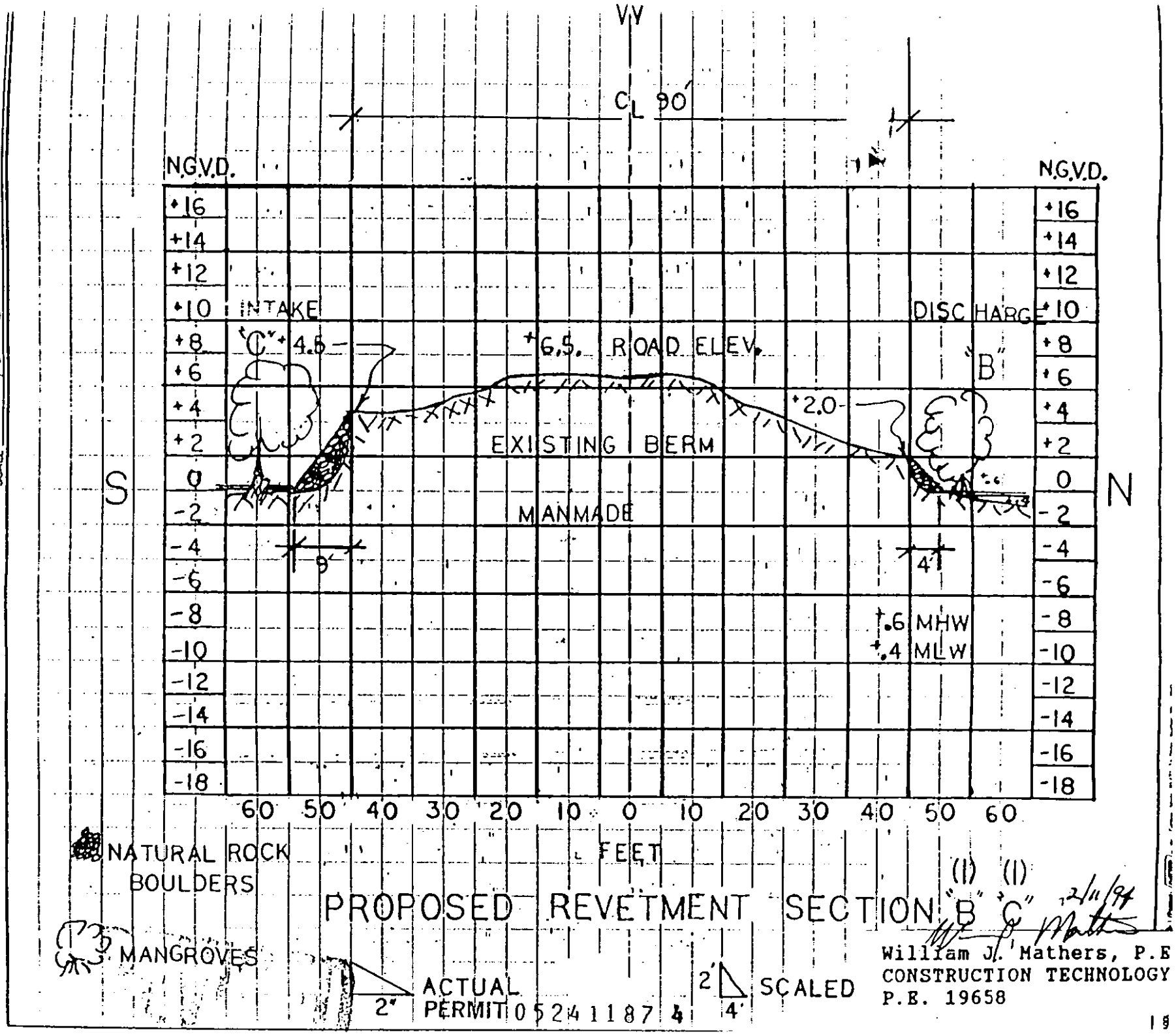
PERMIT 05241187 4

William J. Mathers, P.E. for
CONSTRUCTION TECHNOLOGY, INC.
P.E. 19658

3/15/94

Construction Technology, Inc.
P.O. Box 16576
West Palm Beach, FL 33416-6576
WPB (407) 683-7495
STUART (407) 287-2362


INDIAN RIVER
DISCHARGE
SILT BARRIERS
(2) "B"
(3) "B"
38'
40'
36'
+2.0'
+2.0' ELEV.
+2.5
(X) STAKES
MANGROVES
PROPOSED NATURAL ROCK BOULDERS
GRASS
100'
95'
90'
SAND
ROAD ELEV. +6.5'
80'
SEE: SECTIONS B & C
935' TO C/L OF BRIDGE
PROPOSED NATURAL ROCK BOULDERS
GRASS
100'
PERMIT # 5241187 4
TOP OF BANK
4.5
+5.0' ELEV.
5.5'
MHW +.6
1/4" = 5'
GRAPHIC SCALE
TOE OF BANK
INTAKE
(1) "C"
(2) "C"
(3) "C"
SILT BARRIERS
INDIAN RIVER
N
JOB EPI CM
SHEET NO 5 OF 15
CALCULATED BY JAS DATE 2/9/94
CHECKED BY WJM DATE 2/11/94
SCALE 1/4" = 5'
REVISED AS PER COMMENTS
Construction Technology, Inc.
P.O. Box 16576
West Palm Beach, FL 33416-6576
WPB (407) 683-7495
STUART (407) 287-2362
CON-TECH
William J. Mathers, P.E. for
CONSTRUCTION TECHNOLOGY, INC.


E. CONVENTIONAL REVETMENT
JOB
SHEET NO 15 OF
CALCULATED BY JAS DATE 2/9/94
CHECKED BY WJM DATE 2/11/94
SCALE AS SHOWN
Construction Technology, Inc.
P.O. Box 16576
West Palm Beach, FL 33416-6576
WPB (407) 683-7495
STUART (407) 287-2362
CON-TECH
VV
C L 90'
N.G.V.D.
+16
+14
+12
+10
+8
+6
+4
+2
0
-2
-4
-6
-8
-10
-12
-14
-16
-18
INTAKE
"C"
4.6
+6.5 ROAD ELEV.
DISCHARGE
"B"
+2.0
EXISTING BERM
MANMADE
S
N
9'
4'
+.6 MHW
+.4 MLW
60 50 40 30 20 10 0 10 20 30 40 50 60
FEET
NATURAL ROCK BOULDERS
MANGROVES
PROPOSED REVETMENT SECTION "B" "C"
(1) (1)
2/11/94
2"
ACTUAL
PERMIT 0524187 4
2'
4'
SCALED
William J. Mathers, P.E
CONSTRUCTION TECHNOLOGY
P.E. 19658

JOB EF C. MANGROVE REVETMENT

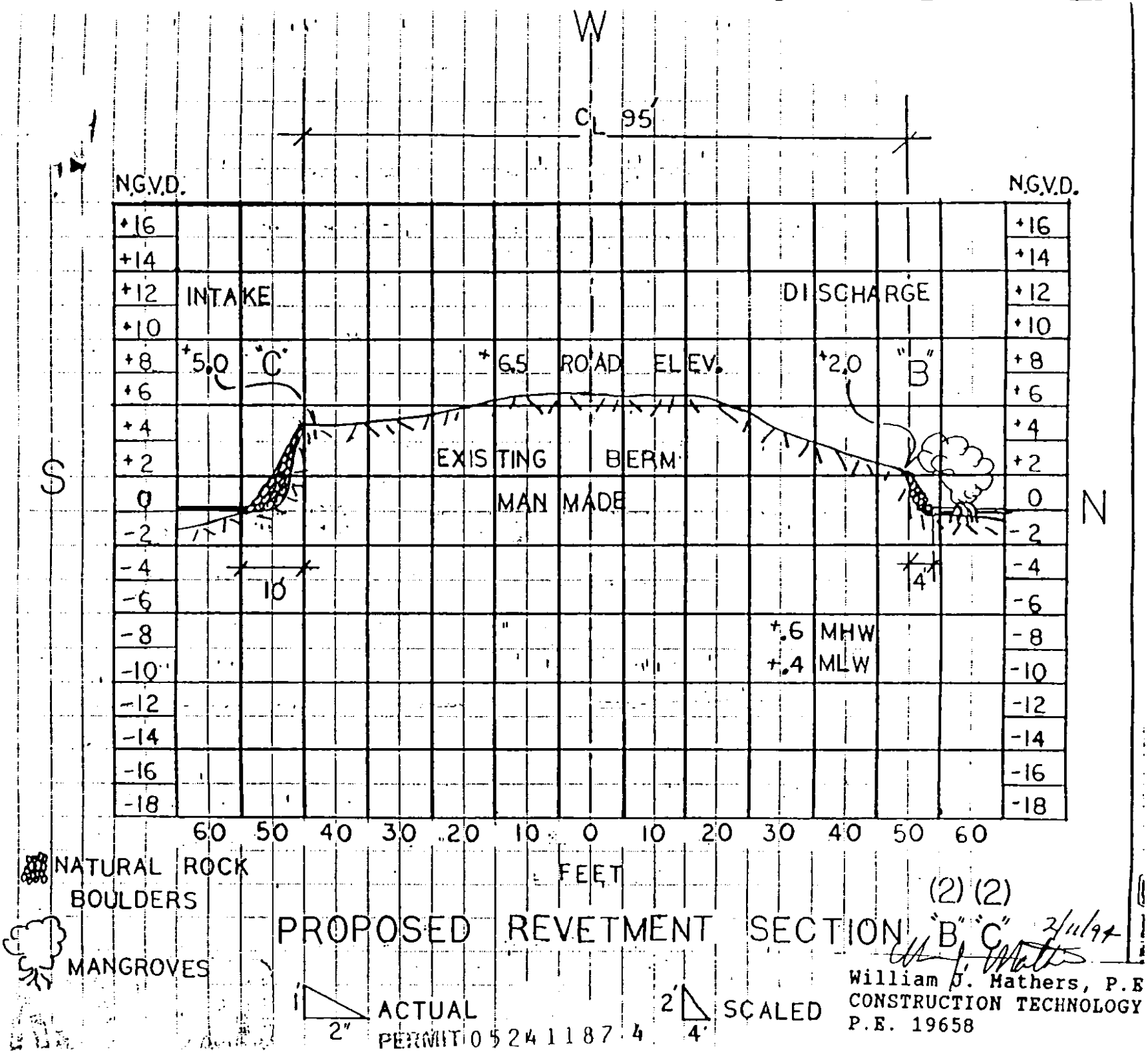
SHEET NO 7 OF 15

CALCULATED BY JMS DATE 2/9/94

CHECKED BY WJM DATE 2/11/94

SCALE AS SHOWN

Construction Technology, Inc.
P.O. Box 16576
West Palm Beach, FL 33416-6576
WPB (407) 683-7495
STUART (407) 287-2362



PROPOSED REVETMENT SECTION "B" "C" (2) (2)

PERMIT 0524187 4

2/11/94

William J. Mathers, P.E
CONSTRUCTION TECHNOLOGY
P.E. 19658

JOB EPL 'A' AERIAL REVETMENT

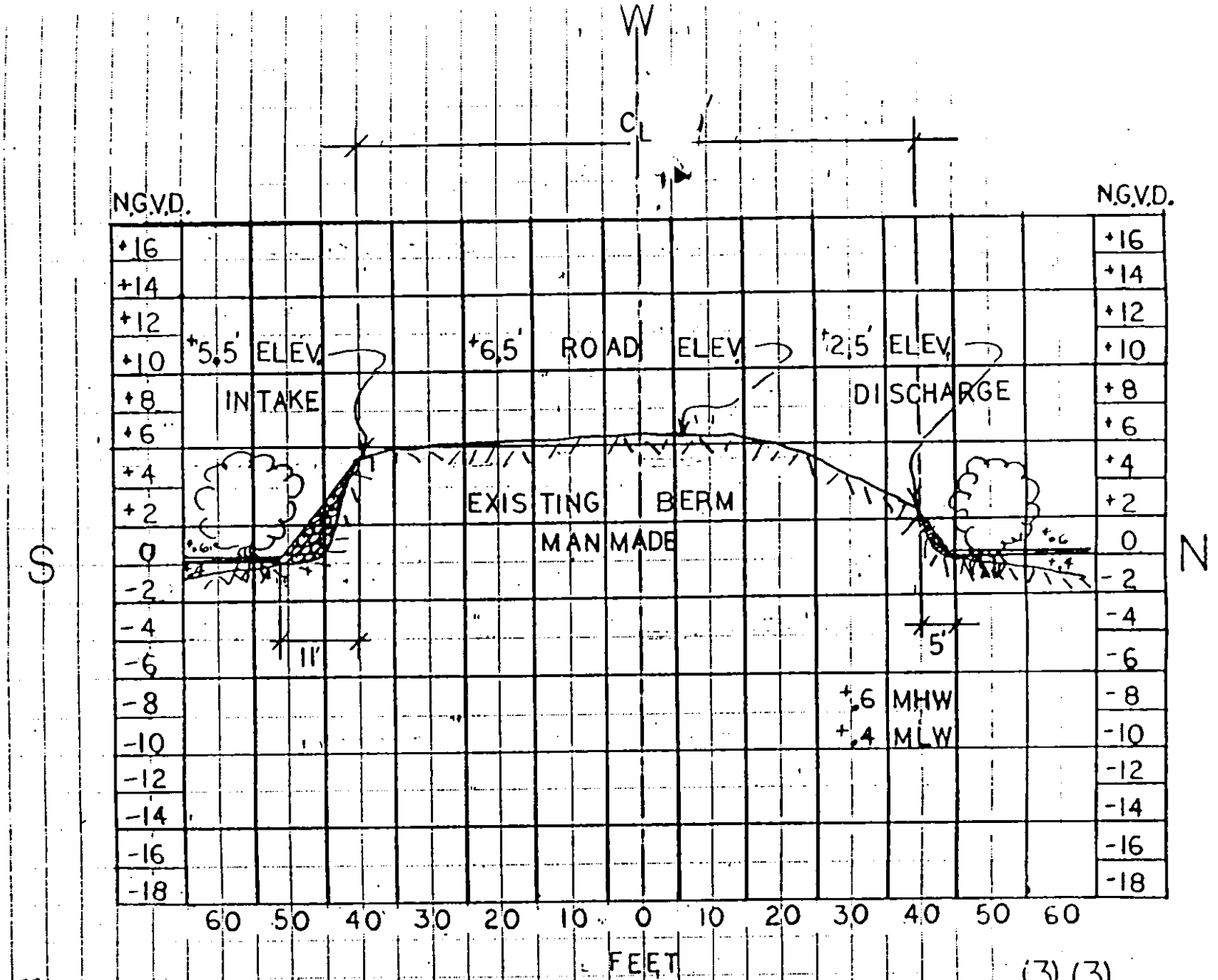
SHEET NO 8 OF 15

CALCULATED BY JAS DATE 2/9/94

CHECKED BY WJM DATE 2/11/94

SCALE AS SHOWN

Construction Technology, Inc.
P.O. Box 16576
West Palm Beach, FL 33416-6576
WPB (407) 683-7495
STUART (407) 287-2362



NATURAL ROCK BOULDERS

MANGROVES

PROPOSED REVETMENT SECTION "B" "C"

(3) (3)

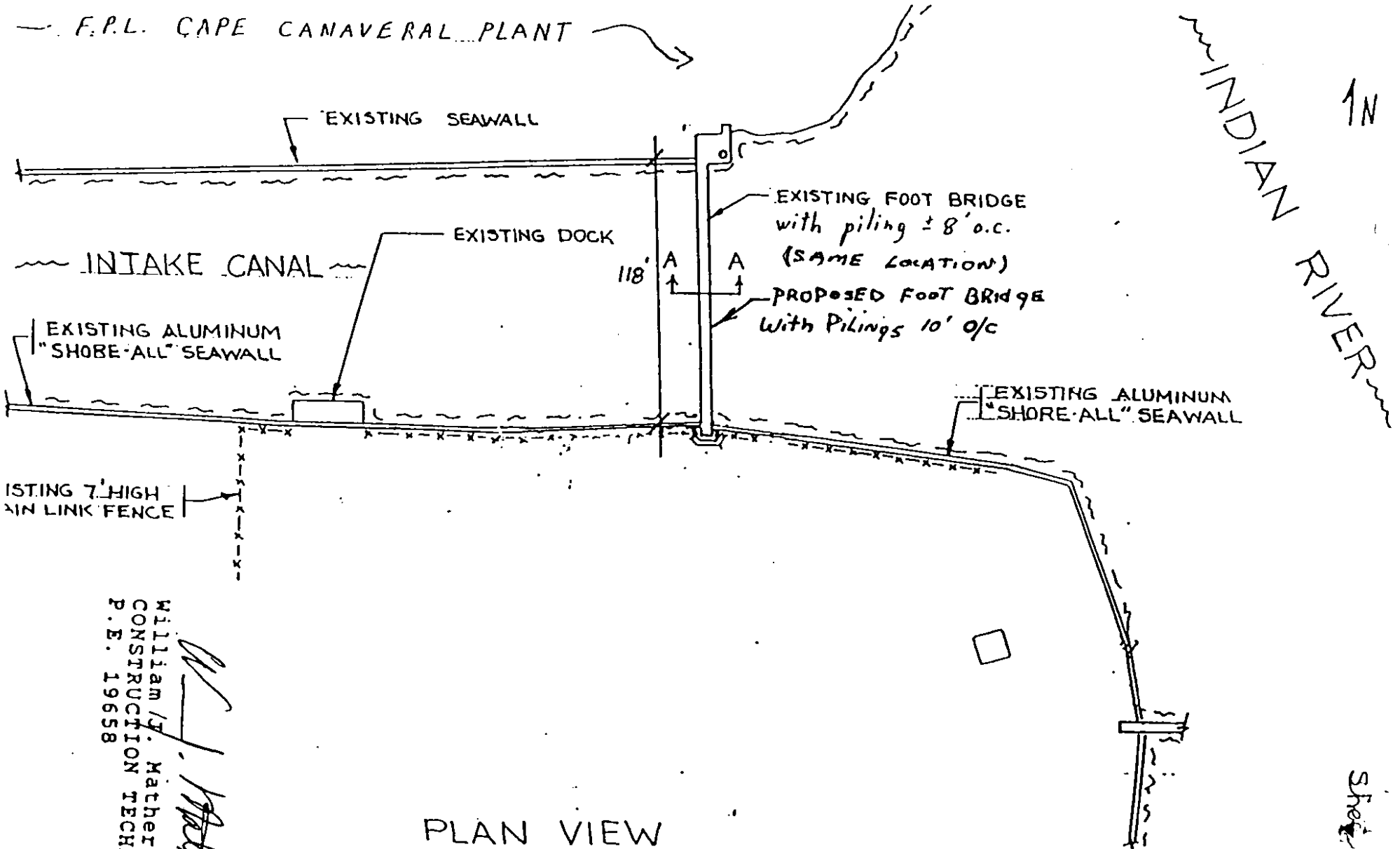
1" = 2" ACTUAL

2' = 4' SCALED

PERMIT 0524187

2/11/94

William J. Mathers, P.E.
CONSTRUCTION TECHNOLOGY
P.E. 19658



PLAN VIEW

William F. Mathers, P.E.
CONSTRUCTION TECHNOLOGY, INC
P.E. 19658

12/14/

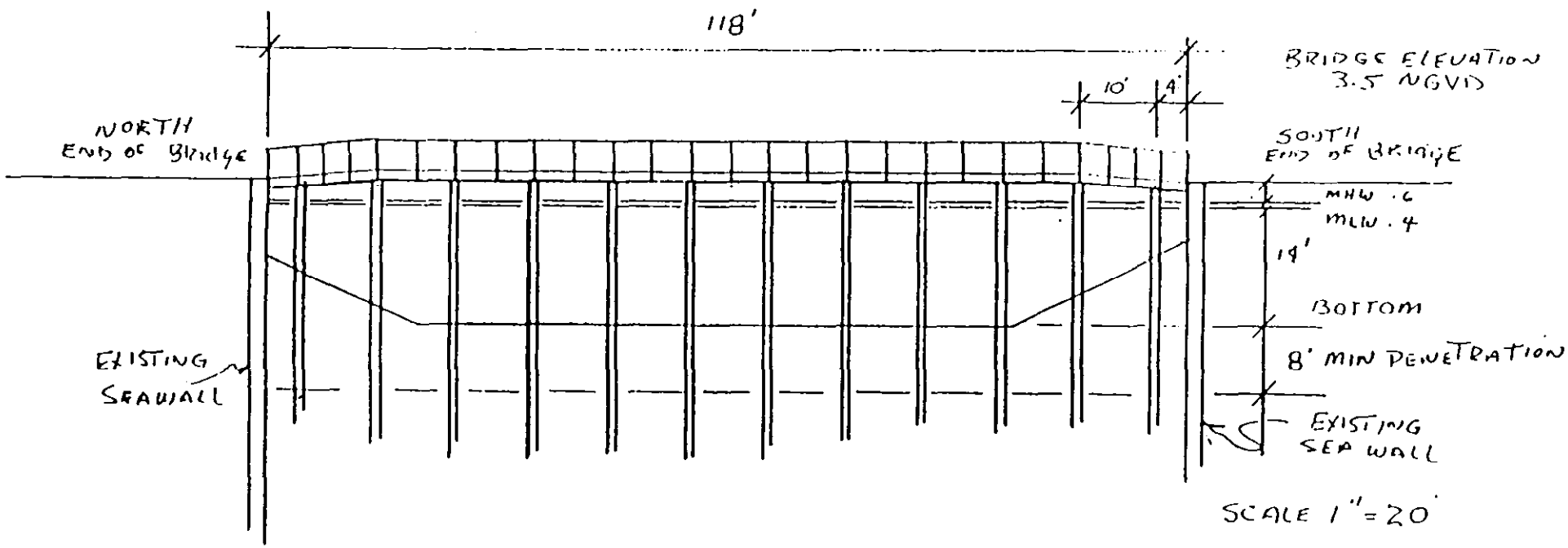
PERMIT 05241187 4

Sheet 1 of 1

CON – TECH
Construction Engineers

CONSTRUCTION TECHNOLOGY, INC.
P.O. Box 16576, West Palm Beach, FL 33416-6576
WPB 407-683-7495

JOB NAME PEDESTRIAN BRIDGE
JOB NO. 866 PAGE 10 OF 15
DESIGNED: JAS DATE 12/14/93
CHECKED: SCALE 1"=20'
DWG. NO. 93 A 1060 DRAWN BY: JAS

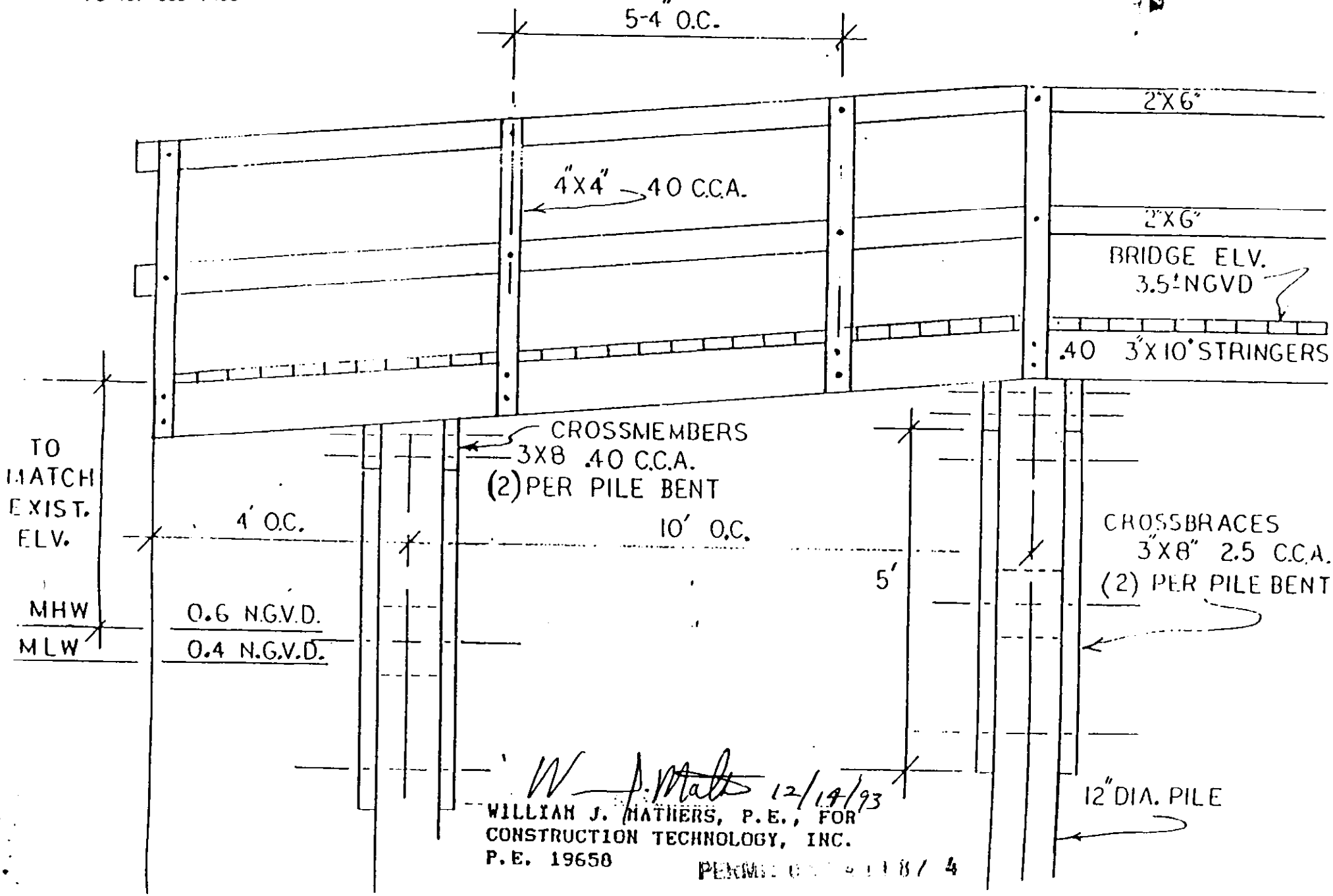


W. J. Mathers 12/14/93
WILLIAM J. MATHERS, P.E., FOR
CONSTRUCTION TECHNOLOGY, INC.
P.E. 19658

PERMIT 05241187 4

CONSTRUCTION TECHNOLOGY, INC.
P.O. Box 16576, West Palm Beach, FL 33416-6576
WPB 407-683-7495

JOB NO. EGG PAGE 11 OF 15
DESIGNED: DATE 11/15
CHECKED: SCALE 1"=2'
DWG. NO. 93 A-1C DRAWN BY: JA



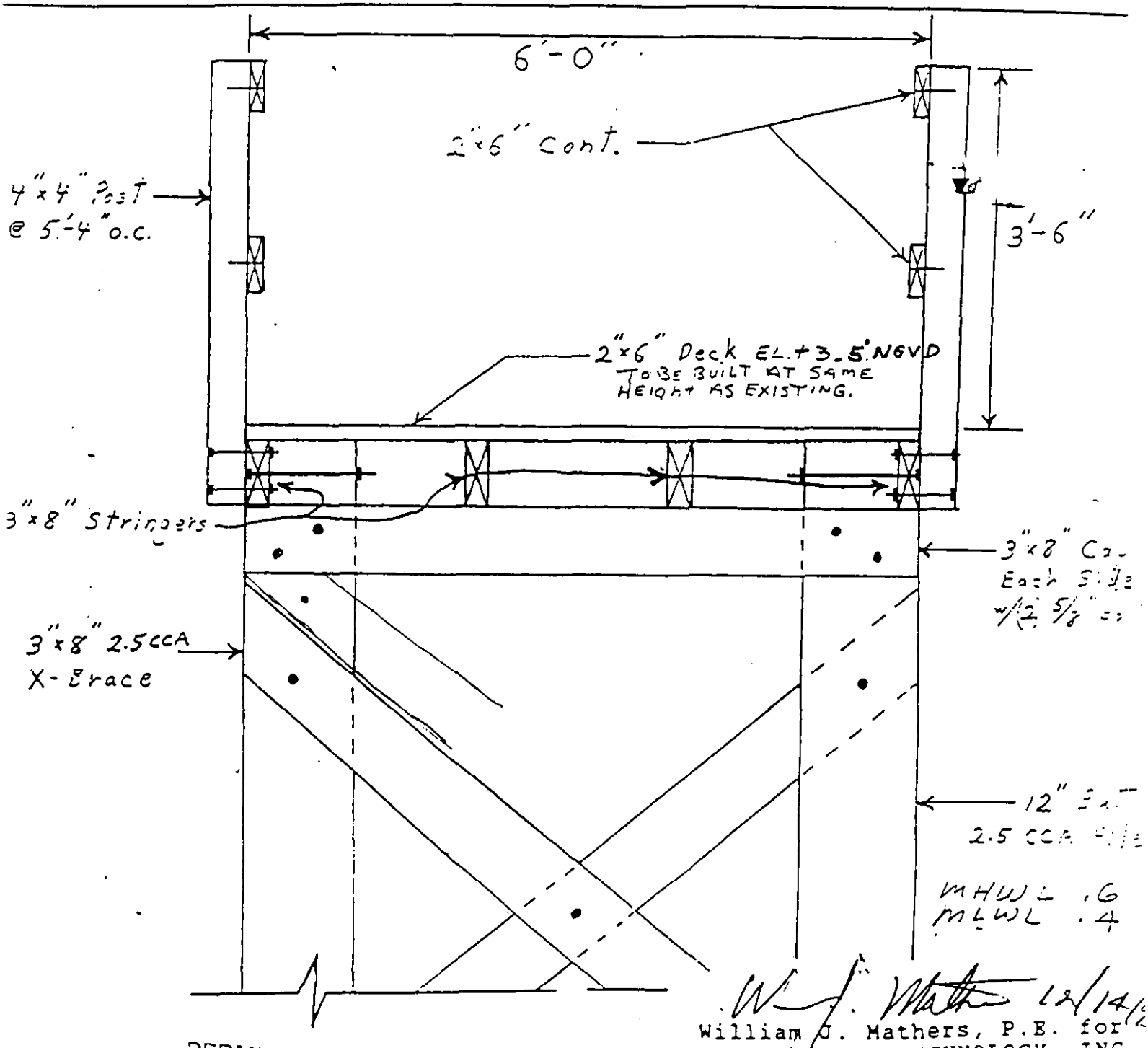
W. J. Mathers 12/14/93
WILLIAM J. MATHERS, P.E., FOR
CONSTRUCTION TECHNOLOGY, INC.
P.E. 19658

PERMIT [illegible] 4

CON – TECH

CONSTRUCTION TECHNOLOGY, INC.
P.O. Box 16576, West Palm Beach, FL 33416-6576
WPB 407-683-7495

JOB NAME Pedestrian Brid
JOB NO. _____ PAGE 12 OF 6
DESIGNED: SG DATE 12/14
CHECKED: _____ SCALE 3/4=1
DWG. NO. _____ DRAWN BY: S.



PERMIT 05241187 4

W. J. Mathers 12/14/

William J. Mathers, P.E. for
CONSTRUCTION TECHNOLOGY, INC.
P.E. 19658

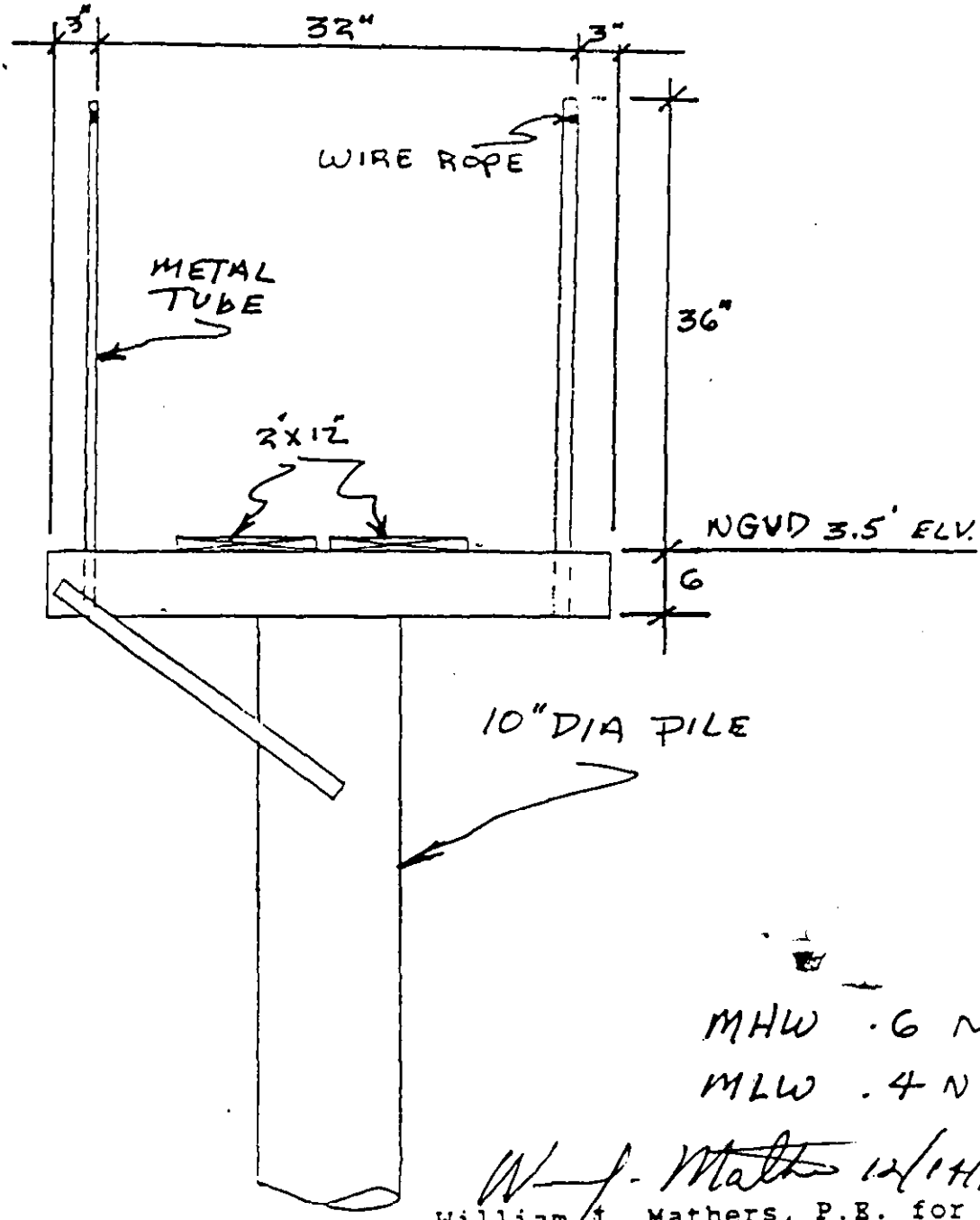
Proposed Section A-A

Scale 3/4" = 1'

CON – TECH

CONSTRUCTION TECHNOLOGY, INC.
P.O. Box 16576, West Palm Beach, FL 33416-6576
WPB 407-683-7495

JOB N : [illegible]
JOB NO. _____ PAGE 13 OF [illegible]
DESIGNED: SG DATE 12/14/
CHECKED: _____ SCALE 3/4"
DWG. NO. _____ DRAWN BY: [illegible]



MHW .6 NGV
MLW .4 NGV

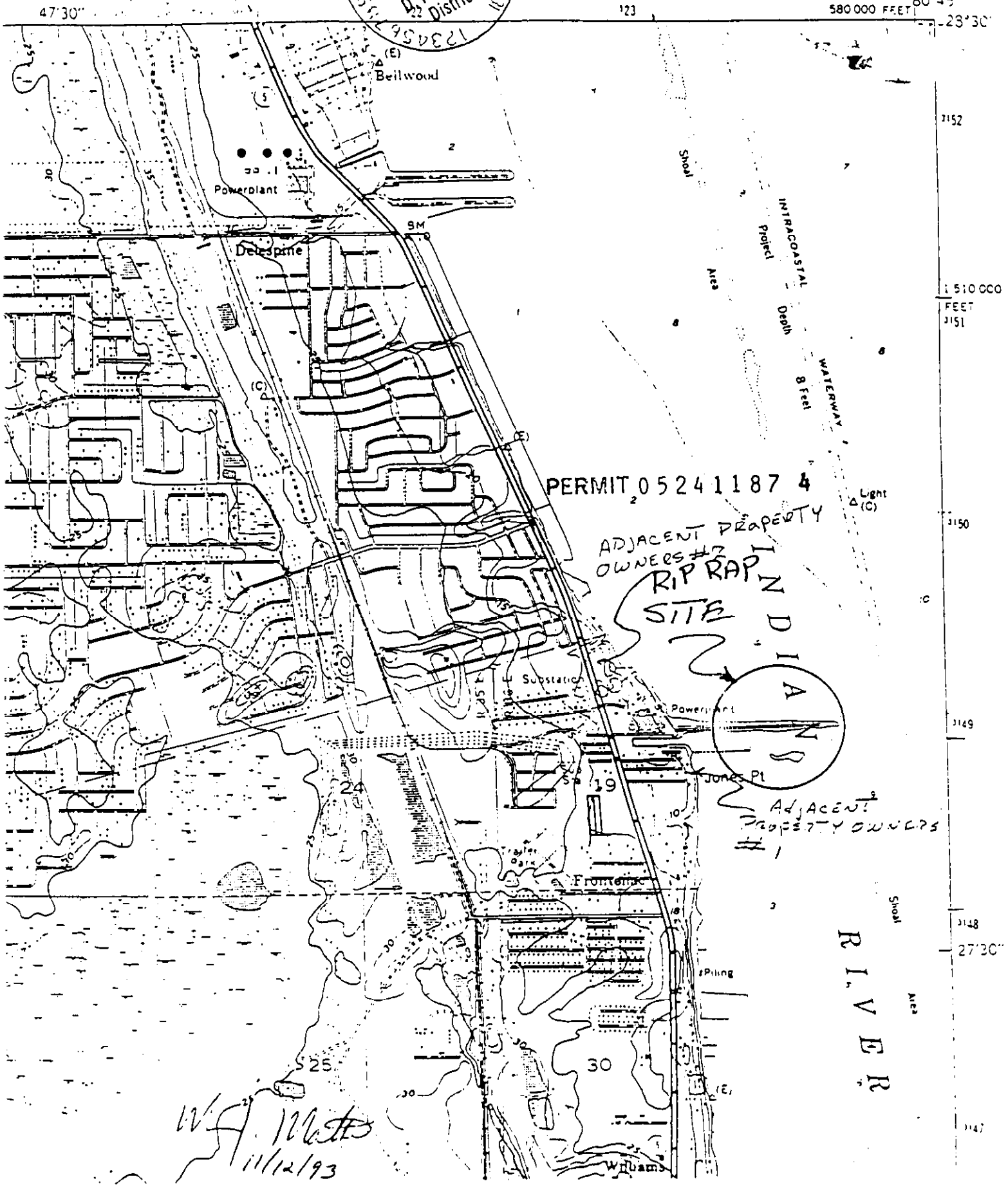
W. J. Mathers 12/14/93
William J. Mathers, P.E. for
CONSTRUCTION TECHNOLOGY, INC.
P.E. 19658

Existing Section A-A
Scale 3/4" = 1'

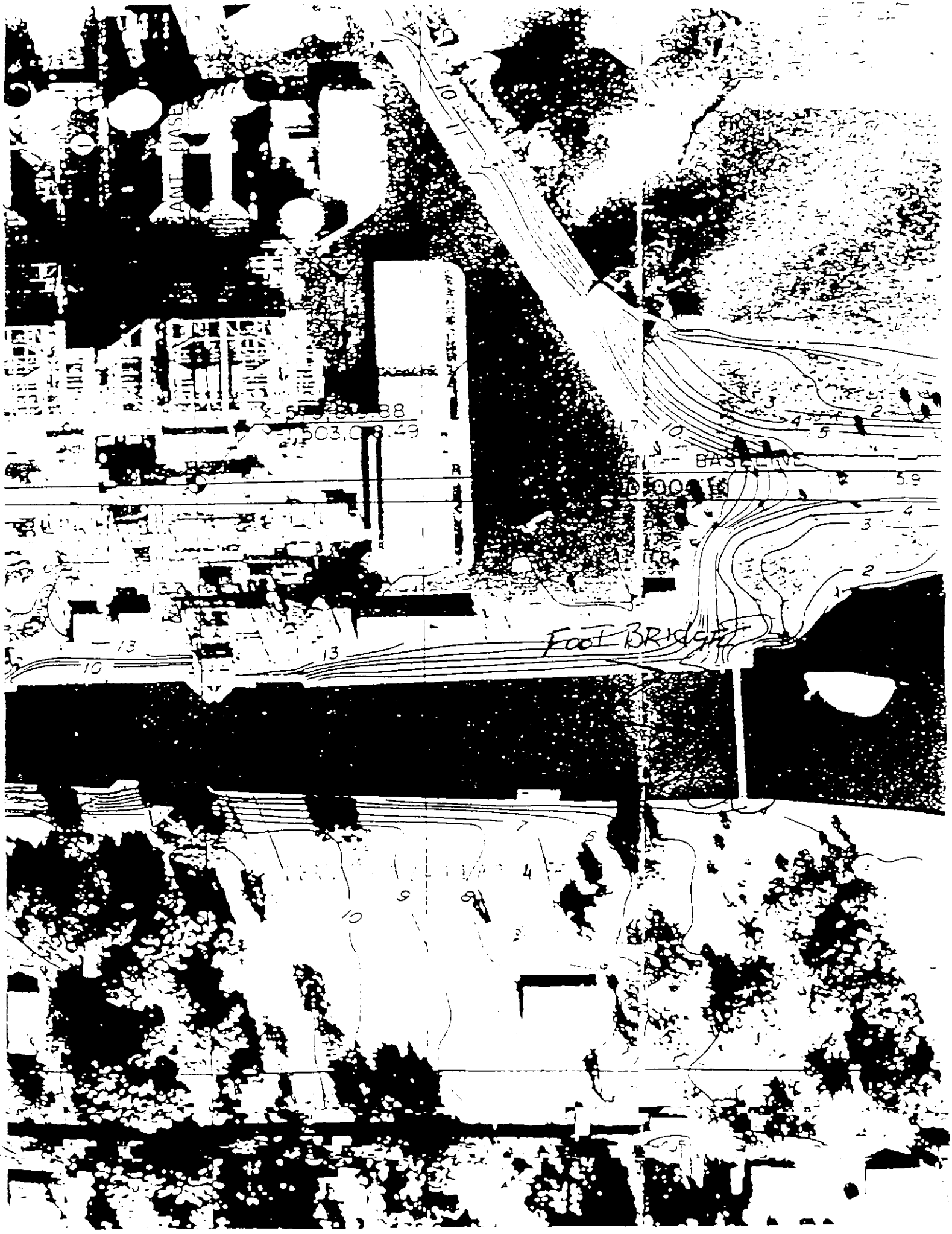
NOV 1993
RECEIVED
D. P. Central
District

Sheet 14 of 15

SHARPES QUADRANGLE
FLORIDA
7.5 MINUTE SERIES (TOPOGRAPHIC)



W. A. Mates
11/12/93


ANT BASE
BASELINE
FOOT BRIDGE

APPENDIX 10.7

MONITORING PROGRAMS

APPENDIX 10.7.1

ECOLOGY

RECEIVED
GOLDER ASSOCIATES, INC.
OCT - 8 2008
GAINESVILLE

October 06, 2008

Ms. Colleen Cunningham
Golder Associates, Inc.
6241 NW 23rd Street, Suite 500
Gainesville, Florida 32653-5600

RE: Florida Power & Light Company, Cape Canaveral Plant Conversion Project, Brevard County

Dear Ms. Cunningham:

The Division of Habitat and Species Conservation, Habitat Conservation Scientific Services and Species Conservation Planning Sections of the Florida Fish and Wildlife Conservation Commission (FWC) have coordinated agency review of your request for possible listed species impacts from the Cape Canaveral Plant Conversion project and provide the following comments.

Florida Power & Light (FPL) proposes to convert the existing 400-megawatt unit conventional dual-fuel fired boilers to a modern, lower emission energy center using the latest combined cycle technology. The project will utilize existing plant site boundaries, cooling water intake and discharge infrastructure, and transmission line right-of way. Construction parking and laydown will be staged on FPL owned land adjacent to the existing plant.

The existing plant site is located adjacent to the Indian River Lagoon, east of U.S.1, and consists of the electric power generating facilities with a fringe of mangroves along the lagoon shore. A dredged channel and mooring basin is located on the southern portion of the site. The proposed construction parking and laydown area is located west of U.S. 1 and south of the existing power line corridor that exits the plant site to the west. This area is a combination grassed open land and upland scrub pine and hardwoods. Any proposed impacts to the mangrove fringe or changes to the current boat/barge traffic in the basin could have negative impacts to wading birds and the West Indian manatee *Trichechus manatus* (state and federally endangered). Any changes in the amount of water used by the plant or changes to the temperature of the water, or if there is any in-water work may also affect on manatees and will need to be reviewed by the FWC. Construction impacts to the remainder of the site, primarily the parking and laydown area, has the potential to impact several listed species including the Florida scrub jay *Aphelocoma coerulescens* (state and federally threatened), eastern indigo snake *Drymarchon corais couperi* (state and federally threatened), gopher tortoise *Gopherus polyphemus* (state threatened), Florida mouse *Podomys floridanus*, and gopher frog *Rana capito*, both state species of special concern.

Therefore, the Florida Fish and Wildlife Conservation Commission (FWC) routinely recommends that comprehensive wildlife surveys be conducted no longer than six months prior to initiating construction to determine if these, or additional, state-listed fish and wildlife species are present on the site. This list is found in Chapter 68A-27, Florida Administrative Code, which is available online at

Florida Fish and Wildlife Conservation Commission

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Timothy A. Breault
Director
(850) 488-3831
(850) 921-7793 FAX

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

620 South Meridian Street
Tallahassee, Florida
32399 1600
Voice: (850) 488-4676
Hearing/speech impaired:
(800) 955-8771 (T)
(800) 955-8770 (V)
MyFWC.com

http://www.flrules.org/gateway/RuleNo.asp?ID=68A-27.003 for Endangered species; at http://www.flrules.org/gateway/RuleNo.asp?ID=68A-27.004 for Threatened species; and at http://www.flrules.org/gateway/RuleNo.asp?ID=68A-27.005 for Species of Special Concern.

If there is evidence that any individuals of these species are present, then the Licensee must report the findings to the FWC. If impacts to these species cannot be avoided, then the Licensee must contact the FWC before taking any action that might result in an impact to those species.

If you or your staff has any specific questions regarding our comments, Please feel free to contact me by telephone at 772-778-6354 or by email at steve.lau@MyFWC.com. For specific questions concerning manatees please contact Mary Duncan at 850-922-4330 or mary.duncan@myfwc.com.

Sincerely,

Stephen R. Lau
Biological Administrator II

SL/sl
ENV 2-11-2/3
Cape Canaveral Plant Conversion_1761
cc: Mary Duncan FWC, Tallahassee

FLORIDA
Natural Areas
INVENTORY

1018 Thomasville Road
Suite 200-C
Tallahassee, FL 32303
850-224-8207
fax 850-681-9364
www.fnai.org

August 22, 2008

Colleen Cunningham
Golder & Associates
6241 NW 23rd Street, Suite 500
Gainesville, FL 32653

Dear Ms. Cunningham,

Thank you for your request for information from the Florida Natural Areas Inventory (FNAI). We have compiled the following information for your project area.

Project: Cape Canaveral Plant

Date Received: August 22, 2008

Location: Brevard County

Based on the information available, this site appears to be located on or very near a significant region of scrub habitat, a natural community in decline that provides important habitat for several rare species within a small area. Additional consideration should be given to avoid and/or mitigate impacts to these natural resources, and to design land uses that are compatible with these resources.

Element Occurrences

A search of our maps and database indicates that currently we have several Element Occurrences mapped within the vicinity of the study area (see enclosed map and element occurrence table). Please be advised that a lack of element occurrences in the FNAI database is not a sufficient indication of the absence of rare or endangered species on a site.

The Element Occurrences data layer includes occurrences of rare species and natural communities. The map legend indicates that some element occurrences occur in the general vicinity of the label point. This may be due to lack of precision of the source data, or an element that occurs over an extended area (such as a wide ranging species or large natural community). For animals and plants, Element Occurrences generally refer to more than a casual sighting; they usually indicate a viable population of the species. Note that some element occurrences represent historically documented observations which may no longer be extant.

*Several of the species and natural communities tracked by the Inventory are considered **data sensitive**. Occurrence records for these elements contain information that we consider sensitive due to collection pressures, extreme rarity, or at the request of the source of the information. The Element Occurrence Record has been labeled "Data Sensitive." We request that you not publish or release specific locational data about these species or communities without consent from the Inventory. If you have any questions concerning this please do not hesitate to call.*

Likely and Potential Rare Species

In addition to documented occurrences, other rare species and natural communities may be identified on or near the site based on habitat models and species range models (see enclosed Biodiversity

Florida Resources and Environmental Analysis Center

Institute of Science and Public Affairs

The Florida State University

Matrix Report). These species should be taken into consideration in field surveys, land management, and impact avoidance and mitigation.

FNAI habitat models indicate areas, which based on land cover type, offer suitable habitat for one or more rare species that is known to occur in the vicinity. Habitat models have been developed for approximately 300 of the rarest species tracked by the Inventory, including all federally listed species.

FNAI species range models indicate areas that are within the known or predicted range of a species, based on climate variables, soils, vegetation, and/or slope. Species range models have been developed for approximately 340 species, including all federally listed species.

The FNAI Biodiversity Matrix Geodatabase compiles Documented, Likely, and Potential species and natural communities for each square mile Matrix Unit statewide.

Florida Scrub-jay Survey – U.S. Fish and Wildlife Service
This survey was conducted by staff and associates of the Archbold Biological Station from 1992 to 1996. An attempt was made to record all scrub-jay (*Aphelocoma coerulescens*) groups, although most federal lands were not officially surveyed. Each map point represents one or more groups.

This data layer indicates that there are potential scrub-jay populations on or very near your site. For additional information:

Fitzpatrick, J.W., B. Pranty, and B. Stith, 1994, Florida scrub jay statewide map, 1992-1993. U. S. Fish and Wildlife Service Report, Cooperative Agreement no. 14-16-004-91-950.

The Inventory always recommends that professionals familiar with Florida's flora and fauna should conduct a site-specific survey to determine the current presence or absence of rare, threatened, or endangered species.

Please visit www.fnai.org/trackinglist.cfm for county or statewide element occurrence distributions and links to more element information.

The database maintained by the Florida Natural Areas Inventory is the single most comprehensive source of information available on the locations of rare species and other significant ecological resources. However, the data are not always based on comprehensive or site-specific field surveys. Therefore, this information should not be regarded as a final statement on the biological resources of the site being considered, nor should it be substituted for on-site surveys. Inventory data are designed for the purposes of conservation planning and scientific research, and are not intended for use as the primary criteria for regulatory decisions.

Information provided by this database may not be published without prior written notification to the Florida Natural Areas Inventory, and the Inventory must be credited as an information source in these publications. FNAI data may not be resold for profit.

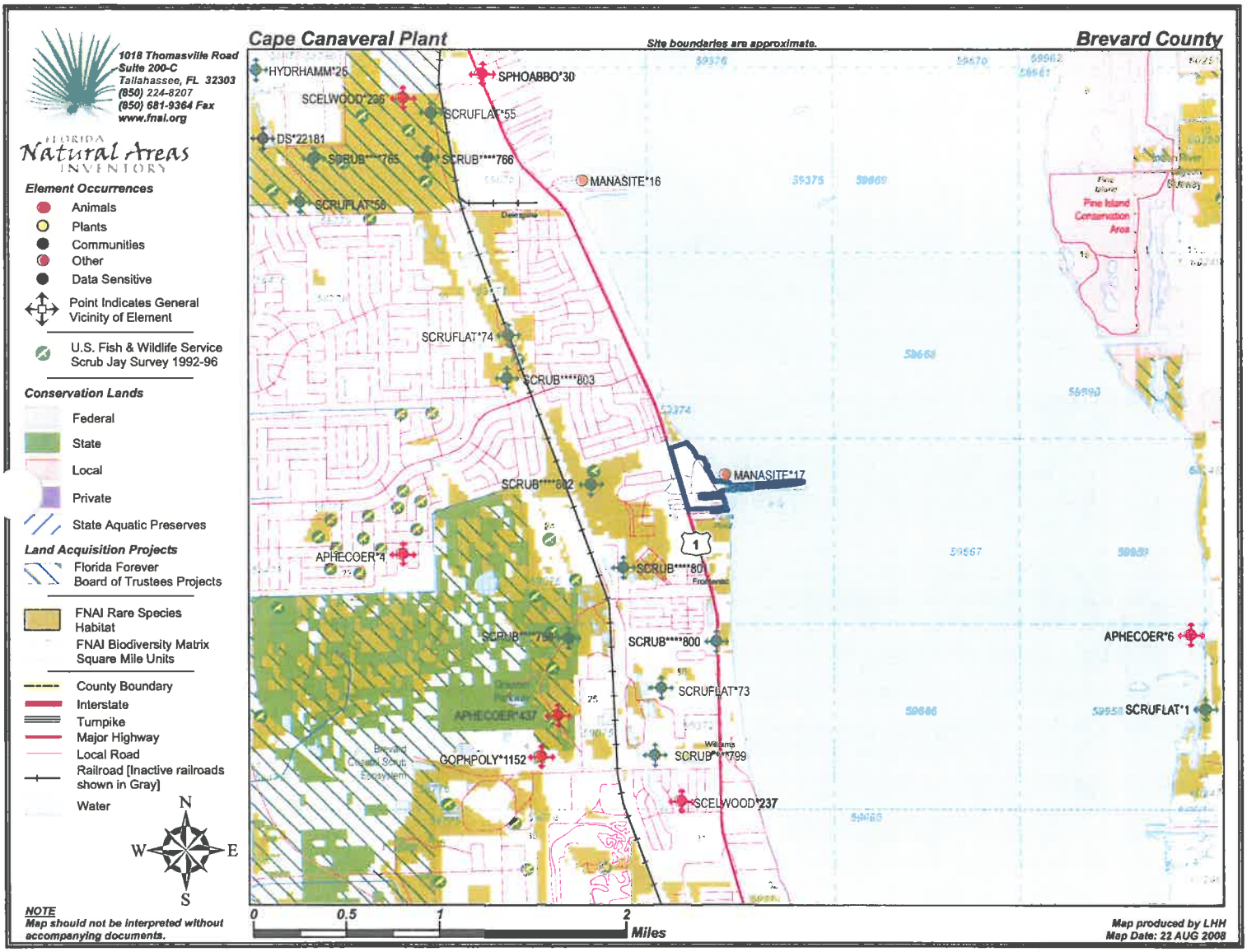
Thank you for your use of FNAI services. If I can be of further assistance, please give me a call at (850) 224-8207.

Sincerely,

Lindsay Horton

Lindsay Horton
Data Services Coordinator

Encl


Cape Canaveral Plant
Site boundaries are approximate.
Brevard County
1018 Thomasville Road
Suite 200-C
Tallahassee, FL 32303
(850) 224-8207
(850) 681-9364 Fax
www.fnai.org
Florida Natural Areas Inventory
Element Occurrences
Animals
Plants
Communities
Other
Data Sensitive
Point Indicates General Vicinity of Element
U.S. Fish & Wildlife Service Scrub Jay Survey 1992-96
Conservation Lands
Federal
State
Local
Private
State Aquatic Preserves
Land Acquisition Projects
Florida Forever Board of Trustees Projects
FNAI Rare Species Habitat
FNAI Biodiversity Matrix Square Mile Units
County Boundary
Interstate
Turnpike
Major Highway
Local Road
Railroad [Inactive railroads shown in Gray]
Water
N
W
E
S
HYDRHAMM*26
SPHOABBO*30
SCELWOOD*236
SCRUFLAT*55
DS*22181
SCRUB****765
SCRUB****766
MANASITE*16
SCRUFLAT*56
Pine Island Conservation Area
SCRUFLAT*74
SCRUB****803
SCRUB****802
MANASITE*17
APHECOER*4
SCRUB****801
SCRUB****799
SCRUB****800
APHECOER*6
SCRUFLAT*73
APHECOER*437
SCRUFLAT*1
GOPHPOLY*1152
SCRUB****799
SCELWOOD*237
1
0
0.5
1
2
Miles
NOTE
Map should not be interpreted without accompanying documents.
Map produced by LHH
Map Date: 22 AUG 2008

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FLORIDA Natural Areas INVENTORY

Florida Natural Areas Inventory

ELEMENT OCCURRENCES DOCUMENTED ON OR NEAR *PROJECT SITE*

Map Label	Scientific Name	Common Name	Global Rank	State Rank	Federal Status	State Listing	Observation Date	Description	EO Comments
APHECOER*6	Aphelocoma coerulescens	Florida Scrub-jay	G2	S2	LT	LT	1981-05-19	"OPEN SLASH PINE SCRUB" [=SCRUBBY FLATWOODS]	1981-05-19: 1 SCRUB JAY
SCELWOOD*236	Sceloporus woodi	Florida Scrub Lizard	G3	S3	N	N	1986-05-14	Coastal scrub	1986-05-14: K.E. Enge, GFC - See Enge et al (1986; Coop Unit Tech Rep No 26)..
HYDRHAMM*25	Hydric hammock		G4	S4	N	N	2004	THIS IS AN EXTENSIVE AREA OF HIGH QUALITY HYDRIC HAMMOCK BORDERING SAND PINE SCRUB, AS WELL AS THE VARIED FLATWOODS AND DEPRESSION MARSHES.	2004: Update to last obs date was based on interpretation of aerial photography (previous value was 1992-06-16) (U05FNA02FLUS). WELL DEVELOPED WITH A TALL (60') CANOPY DOMINATED BY DIAMOND LEAF OAK, WATER OAK, AMERICAN ELM, CABBAGE PALM, BLACK GUM, HACKB
SCRUFLAT*1	Scrubby flatwoods		G3	S3	N	N	1981-05-19	"OPEN SLASH PINE SCRUB" [=SCRUBBY FLATWOODS]	OCCURRENCE AT SITE
MANASITE*16	Manatee aggregation site		GNR	SNR	N	N	1988	WARM-WATER EFFLUENT FROM POWER PLANT INTO INDIAN RIVER.	UP TO 138 MANATEES HAVE BEEN COUNTED AT THE COMBINATION OF THIS SITE AND THE FLPL CANAVERAL POWER PLANT AT FRONTENAC DURING THE WINTER. THE NUMBER OF MANATEES UTILIZING THIS SITE HAS DECLINED IN RECENT YEARS (U88BEE01FL, P. 180).
MANASITE*17	Manatee aggregation site		GNR	SNR	N	N	1988	WARM-WATER EFFLUENT FROM POWER PLANT INTO INDIAN RIVER.	UP TO 138 MANATEES HAVE BEEN COUNTED AT THE COMBINATION OF THIS SITE AND THE ORLANDO UTILITIES COMMISSION POWER PLANT AT DELESPINE; DURING THE WINTER THE NUMBER OF MANATEES UTILIZING THIS SITE HAS DECLINED IN RECENT YEARS (U88BEE01FL, P. 180).
APHECOER*4	Aphelocoma coerulescens	Florida Scrub-jay	G2	S2	LT	LT	1991-07-25	"SCATTERED PATCHES OF OAK SCRUB, BEING DEVELOPED RATHER QUICKLY."	1981-07-25: 2 SCRUB JAYS (U81COX01). #37 90-01-29: 1 ADULT REPORTED; #38 91-07-25: 2 ADULTS REPORTED; #39 91-07-25: 2 ADULTS AND 1 JUVENILE REPORTED; #40 91-07-25: 2 ADULTS AND ONE JUVENILE REPORTED; #41 91-07-25: 2 ADULTS REPORTED (U91SNO01); SNODGRASS
SCELWOOD*237	Sceloporus woodi	Florida Scrub Lizard	G3	S3	N	N	1986-05-14	Coastal scrub	1986-05-14: K.E. Enge, GFC - See Enge et al (1986; Coop Unit Tech Rep No 26).

Cape Canaveral Plant

Site boundaries are approximate.

Brevard County

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FLORIDA Natural Areas INVENTORY

Element Occurrences

- Animals
- Plants
- Communities
- Other
- Data Sensitive
- Point Indicates General Vicinity of Element
- U.S. Fish & Wildlife Service Scrub Jay Survey 1992-96

Conservation Lands

- Federal
- State
- Local
- Private
- State Aquatic Preserves

Land Acquisition Projects

- Florida Forever Board of Trustees Projects

- FNAI Rare Species Habitat
- FNAI Biodiversity Matrix Square Mile Units

- County Boundary
- Interstate
- Turnpike
- Major Highway
- Local Road
- Railroad [Inactive railroads shown in Gray]
- Water

HYDRHAMM*25
SPHOABBO*30
SCELWOOD*236
SCRUFLAT*55
DS*22181
SCRUB****765
SCRUB****766
MANASITE*16
SCRUFLAT*56
SCRUFLAT*74
SCRUB****803
MANASITE*17
SCRUB****802
APHECOER*4
SCRUB****801
SCRUB****799
SCRUB****800
SCRUFLAT*73
APHECOER*437
GOPHPOLY*1152
SCRUB****799
SCELWOOD*237
APHECOER*6
SCRUFLAT*1

Pine Island Conservation Area
Indian River Lagoon Blueway
Grissom Parkway
Brevard Coastal Scrub Ecosystem

N
W
E
S

0 0.5 1 2 Miles

NOTE
Map should not be interpreted without accompanying documents.

Map produced by LHH
Map Date: 22 AUG 2008

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FLORIDA Natural Areas INVENTORY

Florida Natural Areas Inventory

ELEMENT OCCURRENCES DOCUMENTED ON OR NEAR *PROJECT SITE*

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SCELWOOD*236	Sceloporus woodi	Florida Scrub Lizard	G3	S3	N	N	1986-05-14	Coastal scrub	1986-05-14: K.E. Enge, GFC - See Enge et al (1986; Coop Unit Tech Rep No 26)..
HYDRHAMM*25	Hydric hammock		G4	S4	N	N	2004	THIS IS AN EXTENSIVE AREA OF HIGH QUALITY HYDRIC HAMMOCK BORDERING SAND PINE SCRUB, AS WELL AS THE VARIED FLATWOODS AND DEPRESSION MARSHES.	2004: Update to last obs date was based on interpretation of aerial photography (previous value was 1992-06-16) (U05FNA02FLUS). WELL DEVELOPED WITH A TALL (60') CANOPY DOMINATED BY DIAMOND LEAF OAK, WATER OAK, AMERICAN ELM, CABBAGE PALM, BLACK GUM, HACKB
SCRUFLAT*1	Scrubby flatwoods		G3	S3	N	N	1981-05-19	"OPEN SLASH PINE SCRUB" [=SCRUBBY FLATWOODS]	OCCURRENCE AT SITE
MANASITE*16	Manatee aggregation site		GNR	SNR	N	N	1988	WARM-WATER EFFLUENT FROM POWER PLANT INTO INDIAN RIVER.	UP TO 138 MANATEES HAVE BEEN COUNTED AT THE COMBINATION OF THIS SITE AND THE FLPL CANAVERAL POWER PLANT AT FRONTENAC DURING THE WINTER. THE NUMBER OF MANATEES UTILIZING THIS SITE HAS DECLINED IN RECENT YEARS (U88BEE01FL, P. 180).
MANASITE*17	Manatee aggregation site		GNR	SNR	N	N	1988	WARM-WATER EFFLUENT FROM POWER PLANT INTO INDIAN RIVER.	UP TO 138 MANATEES HAVE BEEN COUNTED AT THE COMBINATION OF THIS SITE AND THE ORLANDO UTILITIES COMMISSION POWER PLANT AT DELESPINE; DURING THE WINTER THE NUMBER OF MANATEES UTILIZING THIS SITE HAS DECLINED IN RECENT YEARS (U88BEE01FL, P. 180).
APHECOER*4	Aphelocoma coerulescens	Florida Scrub-jay	G2	S2	LT	LT	1991-07-25	"SCATTERED PATCHES OF OAK SCRUB, BEING DEVELOPED RATHER QUICKLY."	1981-07-25: 2 SCRUB JAYS (U81COX01). #37 90-01-29: 1 ADULT REPORTED; #38 91-07-25: 2 ADULTS REPORTED; #39 91-07-25: 2 ADULTS AND 1 JUVENILE REPORTED; #40 91-07-25: 2 ADULTS AND ONE JUVENILE REPORTED; #41 91-07-25: 2 ADULTS REPORTED (U91SNO01); SNODGRASS
SCELWOOD*237	Sceloporus woodi	Florida Scrub Lizard	G3	S3	N	N	1986-05-14	Coastal scrub	1986-05-14: K.E. Enge, GFC - See Enge et al (1986; Coop Unit Tech Rep No 26).

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FLORIDA Natural Areas INVENTORY

Florida Natural Areas Inventory

ELEMENT OCCURRENCES DOCUMENTED ON OR NEAR *PROJECT SITE*

Map Label	Scientific Name	Common Name	Global Rank	State Rank	Federal Status	State Listing	Observation Date	Description	EO Comments
DS*22181	Data Sensitive Element	Data Sensitive	G4	S1	N	LE	1992-06	Data Sensitive	Data Sensitive
APHECOER*437	Aphelocoma coerulescens	Florida Scrub-jay	G2	S2	LT	LT	2002-03	2002-03: classic scrub with somewhat overgrown scrub oaks and areas maintained as open utility corridor (F02GUN02FLUS). 1991-07-25: oak scrub/scrubby flatwoods (U91SNO01FLUS).	2002-03: Gunter reports 1 active nest, old nests observed throughout habitat, estimated to be 10-20 birds in the area. Birds are adults and younger (1 year) (F02GUN02FLUS). 1990-01-29: 2 adults reported; 1991-01-08: 2 adults reported; 1991-07-25: one a
GOPHPOLY*1152	Gopherus polyphemus	Gopher Tortoise	G3	S3	N	LT	2002-03	2005-02-28: Scrub-jays known from the southern part of this tortoise population (PNDDAV04FLUS). 2002-03: burrows found along a utility corridor, surrounding habitat is considered "classic scrub" with somewhat overgrown scrub oaks and areas maintained as	2002-03: Gunter documented 168 burrows representing an active rate of 54% with all age classes represented. Some burrows were excavated and animals released into surrounding habitat (F02GUN01FLUS).
SCRUB****801	Scrub		G2	S2	N	N	2004	Overlay mature oak scrub surrounded by development.	2004: Update to last obs date was based on interpretation of aerial photography (previous value was 1991) (U05FNA02FLUS). EO on site.
SCRUB****766	Scrub		G2	S2	N	N	2004	Xeric Oak-dominated Scrub.	2004: Update to last obs date was based on interpretation of aerial photography (previous value was 1992-06-19) (U05FNA02FLUS). The low (15'-20') canopy is composed of a dense growth of various scrub oaks including Quercus myrtifolia, Q. geminata, and Q.
SCRUB****803	Scrub		G2	S2	N	N	2004	Overlay mature oak scrub surrounded by development.	2004: Update to last obs date was based on interpretation of aerial photography (previous value was 1991) (U05FNA02FLUS). EO on site.
SCRUB****765	Scrub		G2	S2	N	N	2004	Xeric Oak-dominated Scrub.	2004: Update to last obs date was based on interpretation of aerial photography (previous value was 1992-06-19) (U05FNA02FLUS). The low (15'-20') canopy is composed of a dense growth of various scrub oaks including Quercus myrtifolia, Q. geminata, and Q.

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FLORIDA Natural Areas INVENTORY

Florida Natural Areas Inventory

ELEMENT OCCURRENCES DOCUMENTED ON OR NEAR *PROJECT SITE*

Map Label	Scientific Name	Common Name	Global Rank	State Rank	Federal Status	State Listing	Observation Date	Description	EO Comments
SCRUFLAT*74	Scrubby flatwoods		G3	S3	N	N	2004	No general description given	2004: Update to last obs date was based on interpretation of aerial photography (previous value was 1991) (U05FNA02FLUS). EO on site.
SCRUFLAT*56	Scrubby flatwoods		G3	S3	N	N	2004	SCRUBBY FLATWOODS IN ASSOCIATION WITH MESIC FLATWOODS AND OAK-DOMINATED SCRUB.	2004: Update to last obs date was based on interpretation of aerial photography (previous value was 1992-06-19) (U05FNA02FLUS). SPARSE CANOPY OF SLASH PINE, THICK SAW PALMETTO WITH A SIGNIFICANT PRESENCE OF SCRUB OAKS, RUSTY LYONIA AND TARFLOWER. WIREGRA
SCRUFLAT*55	Scrubby flatwoods		G3	S3	N	N	2004	Scrubby Flatwoods in association with Mesic Flatwoods and oak dominated Scrub.	2004: Update to last obs date was based on interpretation of aerial photography (previous value was 1992-06-16) (U05FNA02FLUS). Sparse canopy of slash pine, thick saw palmetto with a significant presence of scrub oaks, rusty lyonia and tarflower. Wiregra
SCRUFLAT*73	Scrubby flatwoods		G3	S3	N	N	2004	No general description given	2004: Update to last obs date was based on interpretation of aerial photography (previous value was 1991) (U05FNA02FLUS). EO ON SITE.
SCRUB****802	Scrub		G2	S2	N	N	2004	Overly mature oak scrub surrounded by development.	2004: Update to last obs date was based on interpretation of aerial photography (previous value was 1991) (U05FNA02FLUS). The scrub is becoming overgrowth and the use of fire for management practices is probably impossible.
SCRUB****799	Scrub		G2	S2	N	N	2004	OVERLY MATURE OAK SCRUB SURROUNDED BY DEVELOPMENT.	2004: Update to last obs date was based on interpretation of aerial photography (previous value was 1991) (U05FNA02FLUS). EO ON SITE.
SCRUB****798	Scrub		G2	S2	N	N	2004	OVERLY MATURE OAK SCRUB SURROUNDED BY DEVELOPMENT.	2004: Update to last obs date was based on interpretation of aerial photography (previous value was 1991) (U05FNA02FLUS). SCRUB IS BECOMING OVERGROWN AND THE USE OF FIRE FOR MANAGEMENT PURPOSES IS PROBABLY IMPOSSIBLE.

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FLORIDA Natural Areas INVENTORY

Florida Natural Areas Inventory

ELEMENT OCCURRENCES DOCUMENTED ON OR NEAR *PROJECT SITE*

Map Label	Scientific Name	Common Name	Global Rank	State Rank	Federal Status	State Listing	Observation Date	Description	EO Comments
SCRUB****800	Scrub		G2	S2	N	N	2004	1991: overly mature oak scrub surrounded by development (U91SNO01FLUS).	2004: Update to last obs date was based on interpretation of aerial photography (U05FNA02FLUS). 1991: EO on site (U91SNO01FLUS).
SPHOABBO*30	Sphodros abboti	Blue Purse-web Spider	GNR	S4	N	N	1998-02-17	1998-02-17: webs found at the bases of trees (U98MOL02FLUS).	1998-02-17: species was collected on site by P.E. Moler (U98MOL02FLUS).

GLOBAL AND STATE RANKS

Florida Natural Areas Inventory (FNAI) defines an **element** as any rare or exemplary component of the natural environment, such as a species, natural community, bird rookery, spring, sinkhole, cave, or other ecological feature. FNAI assigns two ranks to each element found in Florida: the **global rank**, which is based on an element's worldwide status, and the **state rank**, which is based on the status of the element within Florida. Element ranks are based on many factors, including estimated number of occurrences, estimated abundance (for species and populations) or area (for natural communities), estimated number of adequately protected occurrences, range, threats, and ecological fragility.

GLOBAL RANK DEFINITIONS

G1	Critically imperiled globally because of extreme rarity (5 or fewer occurrences or less than 1000 individuals) or because of extreme vulnerability to extinction due to some natural or man-made factor.
G2	Imperiled globally because of rarity (6 to 20 occurrences or less than 3000 individuals) or because of vulnerability to extinction due to some natural or man-made factor.
G3	Either very rare and local throughout its range (21-100 occurrences or less than 10,0000 individuals) or found locally in a restricted range or vulnerable to extinction from other factors.
G4	Apparently secure globally (may be rare in parts of range).
G5	Demonstrably secure globally.
G#?	Tentative rank (e.g., G2?)
G#G#	Range of rank; insufficient data to assign specific global rank (e.g., G2G3)
G#T#	Rank of a taxonomic subgroup such as a subspecies or variety; the G portion of the rank refers to the entire species and the T portion refers to the specific subgroup; numbers have same definition as above (e.g., G3T1)
G#Q	Rank of questionable species - ranked as species but questionable whether it is species or subspecies; numbers have same definition as above (e.g., G2Q)
G#T#Q	Same as above, but validity as subspecies or variety is questioned.
GH	Of historical occurrence throughout its range, may be rediscovered (e.g., ivory-billed woodpecker)
GNA	Ranking is not applicable because element is not a suitable target for conservation (e.g. as for hybrid species)
GNR	Not yet ranked (temporary)
GNRTNR	Neither the full species nor the taxonomic subgroup has yet been ranked (temporary)
GX	Believed to be extinct throughout range
GXC	Extirpated from the wild but still known from captivity/cultivation
GU	Unrankable. Due to lack of information, no rank or range can be assigned (e.g., GUT2).

STATE RANK DEFINITIONS

Definition parallels global element rank: substitute "S" for "G" in above global ranks, and "in Florida" for "globally" in above global rank definitions.

FEDERAL AND STATE LEGAL STATUSES (U.S. Fish and Wildlife Service – USFWS) PROVIDED BY FNAI FOR INFORMATION ONLY.

For official definitions and lists of protected species, consult the relevant state or federal agency.

FEDERAL LEGAL STATUS

Definitions derived from U.S. Endangered Species Act of 1973, Sec. 3. Note that the federal status given by FNAI refers only to Florida populations and that federal status may differ elsewhere.

LE	Listed as Endangered Species in the List of Endangered and Threatened Wildlife and Plants under the provisions of the Endangered Species Act. Defined as any species which is in danger of extinction throughout all or a significant portion of its range.
LE,XN	A non essential experimental population of a species otherwise Listed as an Endangered Species in the List of Endangered and Threatened Wildlife and Plants. LE,XN for Grus americana (Whooping crane), Federally listed as XN (Non essential experimental population) refers to the Florida experimental population only. Federal listing elsewhere for Grus americana is LE.
PE	Proposed for addition to the List of Endangered and Threatened Wildlife and Plants as Endangered Species.
LT	Listed as Threatened Species, defined as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.
LT,PDL	Species currently listed Threatened but has been proposed for delisting.
PT	Proposed for listing as Threatened Species.
C	Candidate Species for addition to the list of Endangered and Threatened Wildlife and Plants, Category 1. Federal listing agencies have sufficient information on biological vulnerability and threats to support proposing to list the species as Endangered or Threatened.
SAT	Threatened due to similarity of appearance to a threatened species.
SC	Species of Concern, species is not currently listed but is of management concern to USFWS.
N	Not currently listed, nor currently being considered for addition to the List of Endangered and Threatened Wildlife and Plants.

FLORIDA LEGAL STATUSES (Florida Fish and Wildlife Conservation Commission – FFWCC/ Florida Department of Agriculture and Consumer Services – FDACS)

Animals: Definitions derived from "Florida's Endangered Species and Species of Special Concern, Official Lists" published by Florida Fish and Wildlife Conservation Commission - FFWCC, 1 August 1997, and subsequent updates.

LE	Listed as Endangered Species by the FFWCC. Defined as a species, subspecies, or isolated population which is so rare or depleted in number or so restricted in range of habitat due to any man-made or natural factors that it is in immediate danger of extinction or extirpation from the state, or which may attain such a status within the immediate future.
LT	Listed as Threatened Species by the FFWCC. Defined as a species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is decreasing in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future.
LT*	Indicates that a species has LT status only in selected portions of its range in Florida. LT* for Ursus americanus floridanus (Florida black bear) indicates that LT status does not apply in Baker and Columbia counties and in the Apalachicola National Forest. LT* for Neovison vison pop. 1 (Southern mink, South Florida population) state listed as Threatened refers to the Everglades population only (Note: species formerly listed as Mustela vison mink pop. 1. Also, priorly listed as Mustela evergladensis).
LS	Listed as Species of Special Concern by the FFWCC, defined as a population which warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification,

environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species.

LS* Indicates that a species has LS status only in selected portions of its range in Florida. LS* for Pandion haliaetus (Osprey) state listed as LS (Species of Special Concern) in Monroe County only.

PE Proposed for listing as Endangered.

PT Proposed for listing as Threatened.

PS Proposed for listing as a Species of Special Concern.

N Not currently listed, nor currently being considered for listing.

Plants: Definitions derived from Sections 581.011 and 581.185(2), Florida Statutes, and the Preservation of Native Flora of Florida Act, 5B-40.001. FNAI does not track all state-regulated plant species; for a complete list of state-regulated plant species, call Florida Division of Plant Industry, 352-372-3505 or please visit: http://DOACS.State.FL.US/PI/Images/Rule05b.pdf

LE Listed as Endangered Plants in the Preservation of Native Flora of Florida Act. Defined as species of plants native to the state that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continue, and includes all species determined to be endangered or threatened pursuant to the Federal Endangered Species Act of 1973, as amended.

PE Proposed by the FDACS for listing as Endangered Plants.

LT Listed as Threatened Plants in the Preservation of Native Flora of Florida Act. Defined as species native to the state that are in rapid decline in the number of plants within the state, but which have not so decreased in such number as to cause them to be endangered. LT* indicates that a species has LT status only in selected portions of its range in Florida.

PT Proposed by the FDACS for listing as Threatened Plants.

N Not currently listed, nor currently being considered for listing.

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Tracking Florida's Biodiversity

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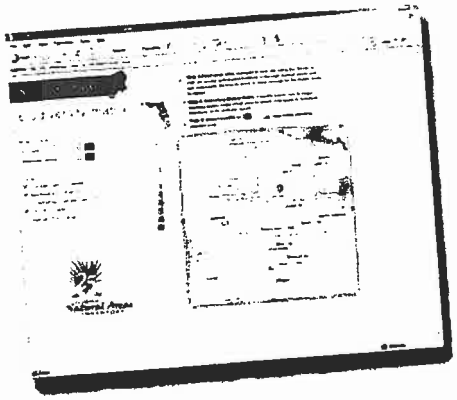
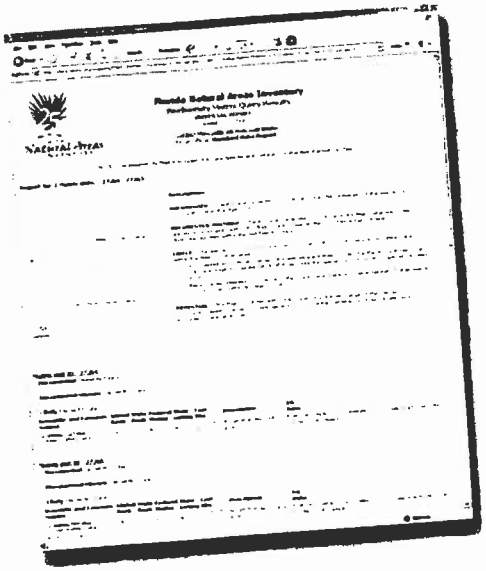
FLORIDA RESOURCES & ENVIRONMENTAL ANALYSIS CENTER
AT THE FLORIDA STATE UNIVERSITY

FOR IMMEDIATE RELEASE



FNAI's Biodiversity Matrix Online

The Biodiversity Matrix Map Server is a new screening tool from FNAI that provides immediate, free access to rare species occurrence information statewide. This tool allows you to zoom to your site of interest and create a report listing documented, likely, and potential occurrences of rare species and natural communities.



The FNAI Biodiversity Matrix offers built-in interpretation of the likelihood of species occurrence for each 1-square-mile Matrix Unit across the state. The report includes a site map and list of species and natural communities by occurrence status: Documented, Documented-Historic, Likely, and Potential.

Try it today:

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Please note: FNAI will continue to offer our Standard Data Report service as always. The Standard Data Report offers the most comprehensive information available on rare species, natural communities, conservation lands, and other natural resources.

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Florida Natural Areas Inventory

Biodiversity Matrix Report

FLORIDA Natural Areas INVENTORY

Scientific Name	Common Name	Global Rank	State Rank	Federal Status	State Listing
Matrix Unit ID: 59373					
Documented					
Manatee aggregation site		GNR	SNR	N	N
Likely					
Aphelocoma coerulescens	Florida Scrub-jay	G2	S2	LT	LT
Grus canadensis pratensis	Florida Sandhill Crane	G5T2T3	S2S3	N	LT
Mesic flatwoods		G4	S4	N	N
Scrub		G2	S2	N	N
Trichechus manatus	Manatee	G2	S2	LE	LE
Potential					
Acipenser oxyrinchus oxyrinchus	Atlantic Sturgeon	G3T3	S1	C	LS
Athene cunicularia floridana	Florida Burrowing Owl	G4T3	S3	N	LS
Calamovilfa curtissii	Curtiss' Sandgrass	G3	S3	N	LT
Calopogon multiflorus	Many-flowered Grass-pink	G2G3	S2S3	N	LE
Centrosema arenicola	Sand Butterfly Pea	G2Q	S2	N	LE
Chamaesyce cumulicola	Sand-dune Spurge	G2	S2	N	LE
Conradina brevifolia	Short-leaved Rosemary	G2Q	S2	LE	LE
Conradina grandiflora	Large-flowered Rosemary	G3	S3	N	LT
Deeringothamnus pulchellus	Beautiful Pawpaw	G1	S1	LE	LE
Dendroica discolor paludicola	Florida Prairie Warbler	G5T3	S3	N	N
Dicerandra thinicola	Titusville Balm	G1Q	S1	N	LE
Drymarchon couperi	Eastern Indigo Snake	G3	S3	LT	LT
Eretmochelys imbricata	Hawksbill	G3	S1	LE	LE
Glandularia maritima	Coastal Vervain	G3	S3	N	LE
Gopherus polyphemus	Gopher Tortoise	G3	S3	N	LT
Lechea cernua	Nodding Pinweed	G3	S3	N	LT
Lechea divaricata	Pine Pinweed	G2	S2	N	LE
Mustela frenata peninsulae	Florida Long-tailed Weasel	G5T3	S3	N	N
Nemastylis floridana	Celestial Lily	G2	S2	N	LE
Nolina atopocarpa	Florida Beargrass	G3	S3	N	LT
Panicum abscissum	Cutthroat Grass	G3	S3	N	LE
Pteroglossaspis ecristata	Giant Orchid	G2G3	S2	N	LT
Sceloporus woodi	Florida Scrub Lizard	G3	S3	N	N
Warea carteri	Carter's Warea	G3	S3	LE	LE

Definitions: *Documented - Rare species and natural communities documented on or near this site.*
Documented-Historic - Rare species and natural communities documented, but not observed/reported within the last twenty years.
Likely - Rare species and natural communities likely to occur on this site based on suitable habitat and/or known occurrences in the vicinity.
Potential - This site lies within the known or predicted range of the species listed.

APPENDIX 10.7.2

CULTURAL RESOURCES

FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Ms. Kathleen Hoffman, Ph.D.
Janus Research
1300 N. Westshore Blvd., Suite 100
Tampa, Florida 33607

November 21, 2008

Re: DHR Project File No.: 2008-06618 / Received by DHR: October 20, 2008
Cultural Resource Review for the FPL Cape Canaveral Plant

Dear Dr. Hoffman:

Our office received and reviewed the above referenced survey report in accordance with Chapters 267, 373, and 403 of the *Florida Statutes*, as well as pertinent Brevard County local ordinances, for possible adverse impact to cultural resources (any prehistoric or historic district, site, building, structure, or object) listed, or eligible for listing, in the National Register of Historic Places (NRHP).

In September 2008, Janus Research conducted an archaeological and historical survey of the proposed Cape Canaveral Plant Conversion project area on behalf of Florida Power & Light Company and Golder Associates. Janus Research identified one previously unrecorded historic building within the project area during the investigation.

Janus Research determined that the Former Gas Station (8BR2317) is ineligible for listing on the NRHP based on common construction, extensive alterations, and lack of historical associations.

Janus Research determined that the proposed development will have no effect on cultural resources listed, or eligible for listing, in the NRHP, or otherwise of historical, archaeological, or architectural value. Janus Research recommends no further investigation of the subject parcel.

Based on the information provided, our office concurs with these determinations and finds the submitted report complete and sufficient in accordance with Chapter 1A-46, *Florida Administrative Code.*

For any questions concerning our comments, please contact April Westerman, Historic Preservationist, by electronic mail at amwesterman@dos.state.fl.us, or by phone at (850) 245-6333. We appreciate your continued interest in protecting Florida's historic properties.

Sincerely,

Frederick P. Gaske

Frederick P. Gaske, Director, and
State Historic Preservation Officer

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Janus Research

Memo

To: Frederick Gaske, Florida Division of Historical Resources/SHPO

From: Kathleen S. Hoffman, Janus Research

CC: Bob McCann, Golder Associates
Kerri Kitchen, Golder Associates
Jacquelyn Lorne, FPL

Date: 10/15/08

Re: Cultural Resource Review for the FPL Cape Canaveral Plant

This memo documents the results of a cultural resources review conducted by Janus Research, on behalf of Florida Power & Light Company (FPL) and in association with Golder Associates, in September of 2008 for the FPL Cape Canaveral Plant Conversion. The project area is located within Section 19 of Township 23 South, Range 36 East on the Sharpes (1949, PR 1980) USGS Quadrangle map (Attachment A). Representative photographs of the project area are located in Attachment B. The objective was to identify any potential encumbrances to site re-development. A desktop analysis and reconnaissance survey were conducted to assist in identifying any previously recorded cultural resources and areas with the potential for containing unrecorded cultural resources within the FPL Cape Canaveral Plant project area in Brevard County, Florida.

Project Description

FPL plans to convert (i.e., modernize, repower) the Cape Canaveral plant into a modern, highly efficient, Next Generation Energy Center, using the latest combined cycle (CC) technology. The conversions will involve the dismantlement of the existing generation units, while leaving intact, certain components such as the cooling water intake and discharge infrastructure, and then the installation of the new CC generation unit [3x1 CC plant consisting of three 250-MW Mitsubishi Power System (MPS) G-Class advanced combustion turbines with improved characteristics should such technology become available), resulting in one nominal 1250 MW natural gas CC unit].

The conversion will result in increased power generation without using any additional land water sources or transmission rights-of-way. The Cape Canaveral plant will be named The Cape Canaveral Energy Center (CCEC) and is expected to have an in-service date of June 2013.

FPL will be required to obtain state and local environmental approvals for the conversions. The key environmental approval will be Site Certification under Florida's Power Plant Siting Act (PPSA). The project requires issuance of an Air Construction Permit and modifications to the existing Industrial Wastewater (IWW) Facility Permit. Local approvals are currently being obtained for the project.

BACKGROUND RESEARCH

Background research methods included a search of the Florida Master Site File (FMSF) to identify cultural resources that are listed, eligible, or potentially eligible for the National Register of Historic Places (National Register) and resources with potential or confirmed human remains. During this preliminary analysis, Janus Research identified resources within and adjacent to (within a 500 ft. of) the project area.

The FMSF serves as an archive and repository of information about Florida's recorded cultural resources. It represents an inventory of resources for which available information exists and describes their condition at a particular point of time. Because the inventory of resources is not all-inclusive on a statewide basis, gaps in data may exist. The FMSF is an important planning tool that assists in identifying potential cultural resources issues and resources that may warrant further investigation and protection. It can be used as guide but should not be used to determine the Division of Historical Resources'/State Historic Preservation Office's (FDHR/SHPO) official position about the significance of a resource.

A review of the USGS Quadrangle maps, General Land Office (GLO) historic plat maps, and historic aerials was also conducted in order to establish the pre-development environment and land use history of the project area, as well as, to identify any potential historic resources within the project area. A search to identify pertinent Certified Local Governments (CLG) located within the boundaries of the project area was also used in order to obtain information regarding local resources which may not be included in the FMSF.

The work of previous investigators was reviewed in order to gather information about the types of pre-Columbian and early historic period sites that could be expected to occur within the project area. An extensive search of pertinent records was conducted to determine the locations of previously recorded National Register–listed, eligible, and potentially eligible resources within the project area, as well as any archaeological and historical assessments of other tracts of land within the project area.

FMSF Search Results

The FMSF search identified no previously conducted cultural resource surveys within the boundaries of the project area. A very small portion of the western boundary of the project area is adjacent to an access road surveyed in 2001 for a Florida Gas Transmission Company survey (FMSF Survey No. 6850) conducted by Southeastern Archaeological Research, Inc. No newly recorded archaeological or historic resources were identified in the vicinity of the project area during this previous survey.

While the FMSF search identified no previously archaeological resources within the project area, one previously recorded archaeological site (Jones Point [8Br207]) was identified 225 ft. to the south of the project area. Jones Point consists of a Malabar I low-density artifact scatter of lithics and ceramics. This resource has not been evaluated by FDHR/SHPO regarding its eligibility for listing in the National Register. The location of 8Br207 is illustrated in Attachment C.

The FMSF search identified no previously recorded historic structures, historic districts, historic cemeteries, historic bridges, or historic linear resources within or adjacent to (within 500 ft. of) the project area.

USGS Quadrangle Map Review

The review of the USGS Quadrangle map identified one potential historic structure 100 ft. south of the project area in the SE ¼ of the NE ¼ of Section 19 in Township 23 South, Range 36 East. Please note this information has not been verified by the Brevard County Property Appraiser. The reconnaissance survey verified that there are historic structures located to the south of the FPL Cape Canaveral Plant. These structures date primarily from the 1950s, have undergone non-historic modifications, and have common forms found throughout Florida.

Pre-Development Environment and Land Use History

A review of GLO historic plat maps and surveyors' field notes was conducted to look at the past environmental conditions of the project area. The project area is situated on the western bank of the Indian River and is described as second rate pineland with palm and scrub vegetation (FDEP 1859a, 1859b, 1859c, 1927). Archaeological sites often occur in close proximity to freshwater sources.

The historic plat maps were also reviewed for evidence of homesteads or other early settlement. During the nineteenth century (post-1821), historic settlement tended to follow the isolated homestead or farmstead pattern. Individual families or groups of related families often built homesteads on the better-drained, hardwood hammocks. There were usually several miles between these settlements to allow room for farm fields. A review of the historic plat maps shows no indication of military forts, encampments, battlefields, homesteads, farmsteads, roads, or historical Native American villages located within the project area.

However, the Delespine Grant is illustrated on the historic plat maps and is located approximately 600 ft. to the north of the project area. The grant was given to the French physician Joseph Delespine in 1817 and was one of the largest land grants designated by the Spanish (Zimmerman n.d.).

A review of historic aerials from 1943, 1951, and 1970 (State University System of Florida [SUSF] 2004) was conducted to examine land use during the mid-1900s. As shown by the 1943 historic aerial, in the early 1940s the northern portion of the project area consisted of agricultural fields or grove. The middle section of the project area consists of uncleared woods and the southeastern portion of the project area consisted of additional groves or agriculture fields. Structures likely associated with this agricultural development are located within the northern and southeastern sections of the project area at this time. In the 1940s, US 1 is already visible, but only as a two lane road. The portion of the project area extending into the Atlantic Ocean is not yet present in the 1943 aerial, and the channelized portion adjacent to the southeast of the project area has not yet been channelized.

As evidenced by the 1951 aerial, by the early 1950s, agricultural development within the project area is consistent with the early 1940s aerial. However, a large portion of the middle section of the project area has been cleared of wooded areas. The jetty and channelized area are still not visible on the 1951 historic aerial. By this time, the area surrounding the project area is starting to show minimal signs of

development including additional roads/trails, structures, and cleared areas. However, most of the development seems to be occurring between US 1 and the coast.

As evidence d by the 1970 aerial, the project area was industrially and residentially developed during the late 1960s. The power plant and associated structures are visible within the northern portion of the project area, as is the structural development in the southern portion of the project area. Additionally, by 1970, US 1 has expanded with separate northbound and southbound lanes.

By 1970, the area has become largely developed and portions have become disturbed through the construction of the jetty into the Atlantic Ocean and the channelized segment of land bordering the southeastern portion of the project area. The developed and disturbed characteristics of the project area suggested by the historic aerials are supported by the 1974 Brevard County soil survey descriptions of the soil types located within the project area (Table 1).

Table 1. Description of Soil Types Located within the Project Area

Drainage Characteristic	Soil Type	Environmental Association
Moderately well drained	Canaveral-Urban Land Complex	Developed Areas; Sand/Shell Dredged from the Indian River
	Pomello Sand	Broad Low Ridges
	Pomello-Urban Land Complex	Developed Areas
Poorly drained	Myakka-Urban Land Complex	Developed Areas
Very poorly drained	Basinger Sand, Depressional	Depressions in the Flatwoods
N/A	Urban Land	Developed Areas

Source: USDA 1974

Archaeological Site Potential Zones

Site potential zones were designated based on their potential for containing archaeological sites. These site potential zones were based on the background research, previous research conducted within the East and Central cultural region, and more specifically, Brevard County, in conjunction with pertinent environmental variables. Variables used to determine site potential zones include distance to fresh water sources (e.g., lakes, creeks, and wetlands), relative elevation, soil drainage characteristics, and the presence of hardwood vegetation.

Fresh water was an important resource for precontact populations. This variable would have been of greater importance during the Paleoindian and Early Archaic stages (12,000–5000 BC), when the perched water system was more restricted. Access to fresh water during these early periods would have been from sinkholes and aquifer-fed rivers.

The project corridor is located within the vicinity of an unnamed lake, several wetland areas, and Indian River. With the abundance of fresh water sources in vicinity of the project area, elevation is an important factor in determining probable archaeological site locations.

Sites in Brevard County can often be found on ridges and in areas of higher elevation near fresh water sources. The USGS Quadrangle map was reviewed to target areas of higher elevation and particular

focus was placed on slopes adjacent to fresh water sources. These areas were deemed to have high archaeological site potential while areas of low relative elevation adjacent to wetlands were determined to have moderate archaeological site potential.

Drainage characteristics of soil have been successfully used in the formulation of site location and predictive models. Moderately well drained and excessively well drained soil types, particularly those found in areas of higher elevation, were determined to have high archaeological site potential. Soils with somewhat poorly drained or poorer drainage characteristics not indicative of hammock vegetation were designated as having moderate archaeological site potential. The characteristics of all detailed soil types within the project corridor are described in Table 1. As mentioned previously, the majority of these soils are indicative of development and disturbance. The only two soils that are not urban land or do not contain urban land complex are located in the northernmost portion of the project area that was disturbed during the creation of the bermed area surrounding the container units.

The use of hammock vegetation during the precontact and historic periods is well documented. Hammocks are not usually prone to flooding and retard the development and spread of fires (Austin 1992). The thick foliage of hammocks provides shade and moderates temperatures year-round. The thick canopies of hammocks also provide good shelter during periods of heavy weather. Mature hammocks offer enough open space for habitation and activity areas. Finally, many fruits, nuts and tubers are available in hammocks that are important as human food sources as well as for their ability to attract game animals. For these reasons, soil types indicative of hardwood or hammock vegetation are designated as high archaeological site potential zones regardless of drainage characteristics. However, none of the soils within the project area typically support hardwood hammock vegetation, and no hardwood hammock vegetation was visible on the historic aerials due to the level of development.

In Florida, historic period sites frequently co-occur with precontact archaeological sites. This is often the result of environmental conditions found desirable by both groups: better-drained upland knolls near transportation routes (i.e., historic trails and major rivers). Use of the land around the project corridor during the earliest historic periods (First Spanish, English, and Second Spanish) was probably limited; occupations from these periods would have been of such short duration that evidence of parties crossing the project vicinity is almost impossible to detect archaeologically. Furthermore, no such groups are known or suspected of having settled or camped within the project area.

While the project area is situated adjacent to a major waterway, the low elevation of the area may have increased the probability of seasonal flooding. Additionally, the GLO surveyors' field notes for the project area do not mention any hardwood or hammock vegetation. These factors, coupled with the level of industrial development and land modification within the project area suggest a low potential for finding intact archaeological sites.

CERTIFIED LOCAL GOVERNMENTS AND LOCAL INFORMANTS

Brevard County is not included on the August 2008 list of CLG posted on the Florida Division of Historical Resources website (FDHR 2008) and does not employ a county archaeologist. Coordination with Steve Benn, the Director of the Brevard County Historical Commission is recommended regarding potential local archaeological or historical issues not represented within the FMSF.

Mr. Doug Foust, Maintenance Coach of the Cape Canaveral Plant, provided information regarding the non-historic nature of the power plant and stated that to his knowledge, the Cape Canaveral Plant did not employ new or innovative technology at the time of its construction. Mr. Foust also provided information about the location of areas of man-made land and land modification, general locations of buried utilities, and provided access to the different sections of the project area.

METHODS

Archaeological Methods

Archaeological field methods included the pedestrian survey of the entire project area with a visual inspection of exposed ground to identify evidence of archaeological sites. Additionally, a careful surface inspection was undertaken when areas of minimal vegetation and/or upturned soil were present and in areas adjacent to past dredging.

No subsurface testing was conducted within the project area based on the low archaeological site potential resulting from the disturbed and developed nature of the project area and due to the presence of bermed man-made ponds, bermed areas adjacent to road ways and containers, areas containing roadway or concrete/asphalt paving, large segments of man-made land, areas of modified land, and the presence of above ground and buried utilities throughout the project area.

Historic Field Methods

The historic resources reconnaissance investigation included a pedestrian survey of the FPL Cape Canaveral Plant complex and a "windshield" survey of properties within 500 ft. An architectural historian and one technical assistant conducted the historic resources reconnaissance survey in order to ensure that significant historic buildings, structures, objects, and districts built during or before 1960 within the FPL Cape Canaveral Plant complex and within 500 ft. of the complex were identified and properly mapped. Any significant property with features indicative of 1960 or earlier construction materials, building methods, or architectural styles was noted on aerial photographs and a USGS Quadrangle map. Photographs were taken with a high resolution digital camera. A log was kept to record the property's physical location and compass direction of each photograph. For each resource located within the FPL Cape Canaveral Plant complex, built during or before 1960, FMSF forms were filled out with field data including notes from site observations and research findings. The estimated date of construction, distinctive features, and architectural styles were noted. The information contained on any FMSF form completed for this project was recorded in a database at Janus Research. FMSF forms were not completed for potentially significant resources identified within 500 ft. of the complex. Any resource within 500 ft. which appeared to be eligible for listing in the National Register was photographed and noted on aerial photographs and a USGS Quadrangle map. Concentrations of historic resources within the project area were noted in terms of inclusion within a potential historic district. Each resource's present condition, location relative to other resources, and distinguishing neighborhood characteristics were noted and photographed for accurate assessment of National Register historic district eligibility.

As many of the structures in the FPL Cape Canaveral Plant complex date to the mid- to late-1960s and are not yet fifty years old, research was also conducted to determine whether the complex meets the National Register Criteria Consideration G for properties that have achieved significance within the past fifty years.

RESULTS

Archaeological Survey Results

The pedestrian survey and surface inspection of the project area confirmed the industrial development and man-made nature of the majority of the project area providing support for the low probability of finding intact archaeological sites within the project area boundaries. Additionally, this survey noted the presence of numerous above and below ground utilities. Due to these factors, no subsurface testing was conducted. The current conditions of the project area are illustrated on an aerial field map (Attachment D), as well as, the general locations of utilities, ponds, bermed land, and made land.

Historic Resources Reconnaissance Survey Results

The historic resources reconnaissance survey resulted in the identification of no National Register–listed or eligible historic resources within the FPL Cape Canaveral Plant complex or within 500 ft. One building (8Br2317) on the southwest corner of the FPL Cape Canaveral Plant complex was identified by Doug Foust as potentially related to a previous, historic gas station which was located at the site. A review of Brevard County property appraiser records and historic aerial photographs could not confirm a historic date of construction; however, it appears that the building could date to 1960 or earlier. The building is a simple, industrial structure similar to others found throughout Florida and is not eligible for listing in the National Register. It is rectangular in form with a concrete block structural system and flat roof. All evidence of the historic gas station has been removed and the building's historic context has been significantly altered as it is now a part of the FPL Cape Canaveral Plant complex. A photograph of this building is located in Attachment B, a map showing the location of the building is included in Attachment E, and an FMSF form for the building is included in Attachment F.

As the majority of the buildings within the FPL Cape Canaveral Plant complex were constructed within the past fifty years, research was also conducted and the non-historic buildings evaluated to determine whether the complex meets the National Register Criteria Consideration G for properties that have achieved significance within the past fifty years. The buildings and structures constructed within the past fifty years are of common architectural forms and styles, and limited research revealed no significant associations. The Cape Canaveral Plant did not represent a new or innovative technology at the time of its construction (Foust 2008). The plant is associated with the area's patterns of community planning and development and the development which occurred in support of the Kennedy Space Center. However, the minimal association that the plant has with the area's community planning and development does not meet the National Register's standard of exceptional importance for properties constructed within the past fifty years.

RECOMENDATIONS

No additional archaeological or historic resource investigations are recommended.

Should construction activities uncover any archaeological remains, it is recommended that activity in the immediate area of the remains be stopped while a professional archaeologist evaluates the remains. In the event that human remains are found during construction or maintenance activities, the provisions of Chapter 872.05 of the Florida Statutes will apply. Chapter 872.05 states that, when human remains are encountered, all activity that might disturb the remains shall cease and may not resume until authorized by the District Medical Examiner or the State Archaeologist. The District Medical Examiner has jurisdiction if the remains are less than 75 years old or if the remains are involved in a criminal investigation. The State Archaeologist has jurisdiction if the remains are more than 75 years of age.

Original Survey Log Sheets, site file forms, and photographs are curated at the Florida Master Site File in Tallahassee, along with a copy of this report. Recovered materials, field notes and other pertinent project records are temporarily stored at Janus Research and will be transferred to FP&L upon request.

REFERENCES

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1859b Surveyors Notes for Township 23 South, Range 36 East. Accessed online at http://data.labins.org/2003/surveydata/landrecords/glo/index.cfm.
1927 Plat Map for Township 23 South, Range 36 East. Division of State Lands, Board of Trustees Land Document System. Accessed online at http://199.73.242.56/default.asp.

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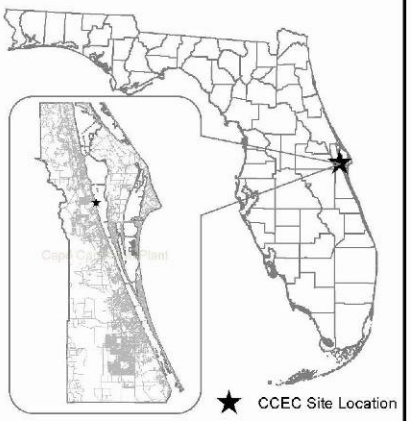
1974 *Soil Survey of Brevard County, Florida*. USDA/Soil Conservation Service.

Zimmerman, Vera
n.d. The First Settlers, 10,000 BC to 1820, *Brevard County GenWeb History*. Accessed online at http://www.flbrevard.com/History/10K-1820.html.

ATTACHMENT A:

PROJECT AREA MAPS

AREA MAP



LEGEND

Cape Canaveral Plant

REFERENCE

1. Imagery, Florida Department of Revenue, 2006 2. Roads, FDOT, 2007

0 500 1,000 2,000 Feet

SCALE AS SHOWN

N

PROJECT

CAPE CANAVERAL
CONVERSION PROJECT

TITLE

CCEC SITE LOCATION

FPL

PROJECT No. 083-87033-1103	CA001	REV. 0
DESIGN	CC	08/04/08
GIS	RL	08/04/08
CHECK	CC	08/04/08
REVIEW		

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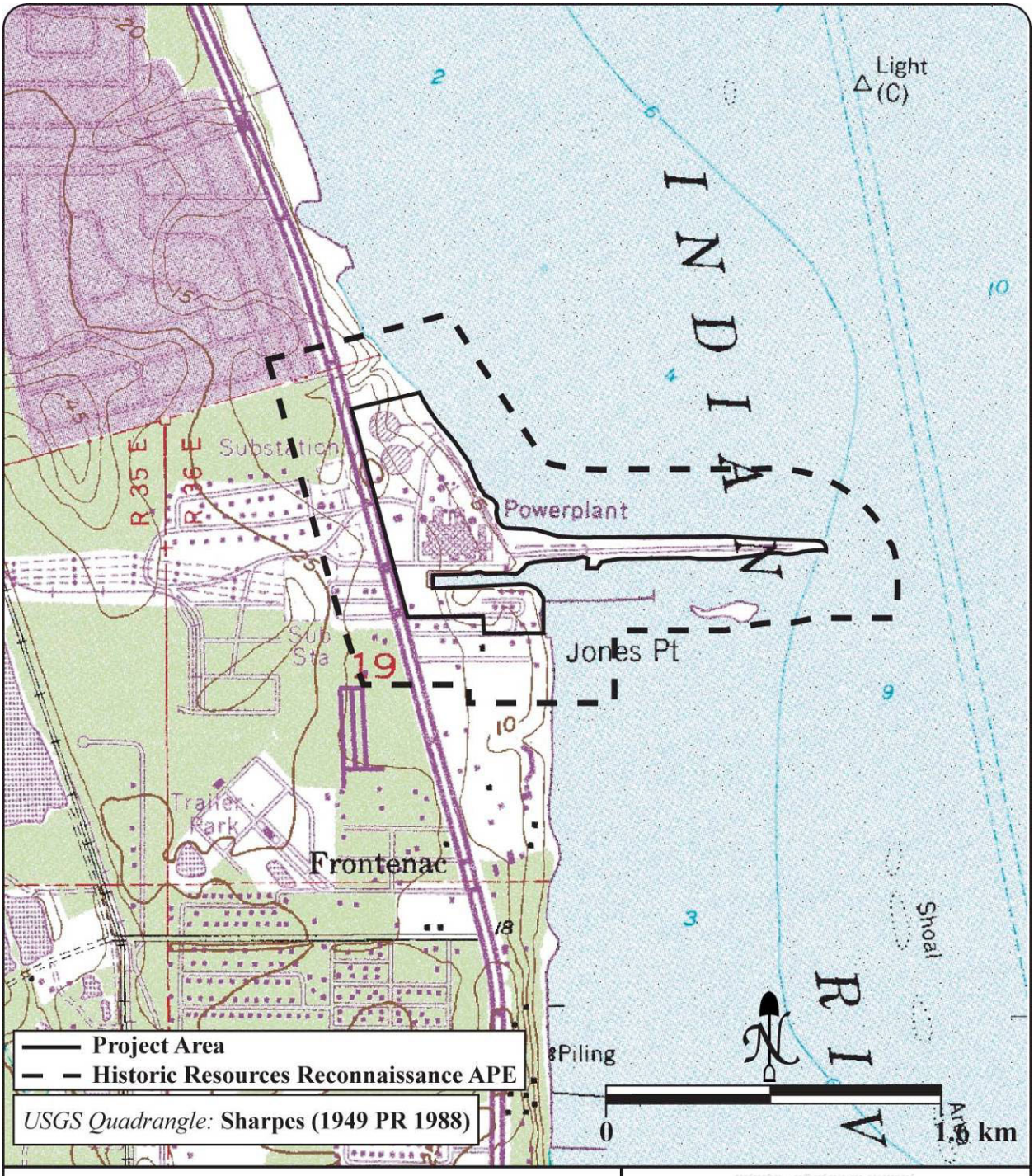


Project Area Illustrated on USGS Quadrangle

JANUS RESEARCH

ATTACHMENT B:

REPRESENTATIVE PHOTOGRAPHS OF THE PROJECT AREA

Representative Photograph of Industrial Development, Bermed Percolation Pond, Underground Drains, and Buried Utilities

Representative Photograph of Disturbed Paved Area with Buried Utilities

Representative Photograph of Drainage Ditch and Developed Area

Representative Photograph of Developed and Paved Area with Unmarked Buried Utilities

Photograph of Potentially Historic Structure on FPL Property which was Formerly Part of a Gas Station

Representative Photograph of Unmarked Buried Utilities

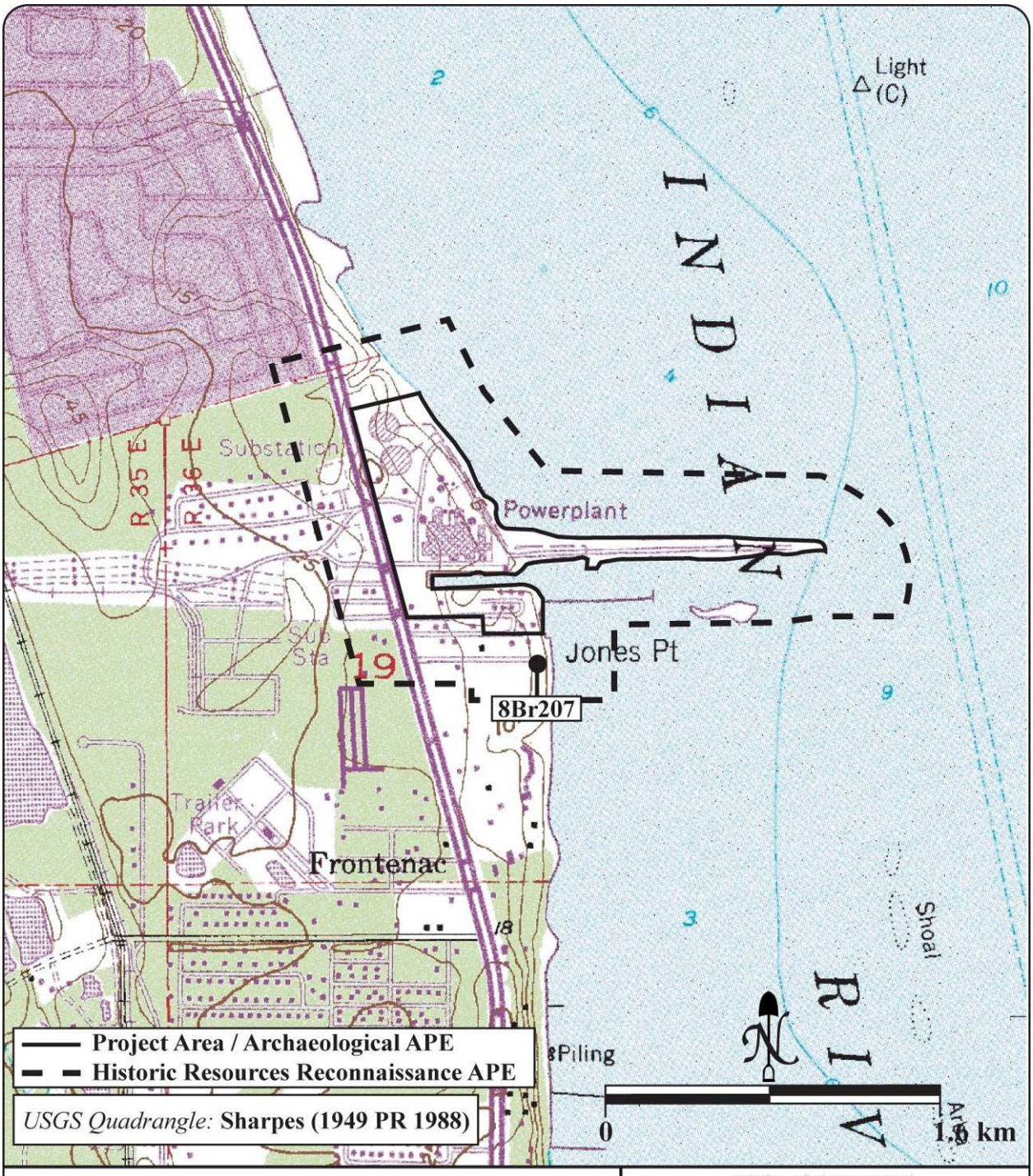
Representative Photograph of Modified Land with Structure on Raised Ground

Representative Photograph of Modified Land with Sloping Berm adjacent to Channelized Area

Representative Photograph of River Sediment/Rock on Surface adjacent to Channelized Area

ATTACHMENT C:

PREVIOUSLY RECORDED CULTURAL RESOURCES WITHIN 500 FT. OF THE PROJECT AREA

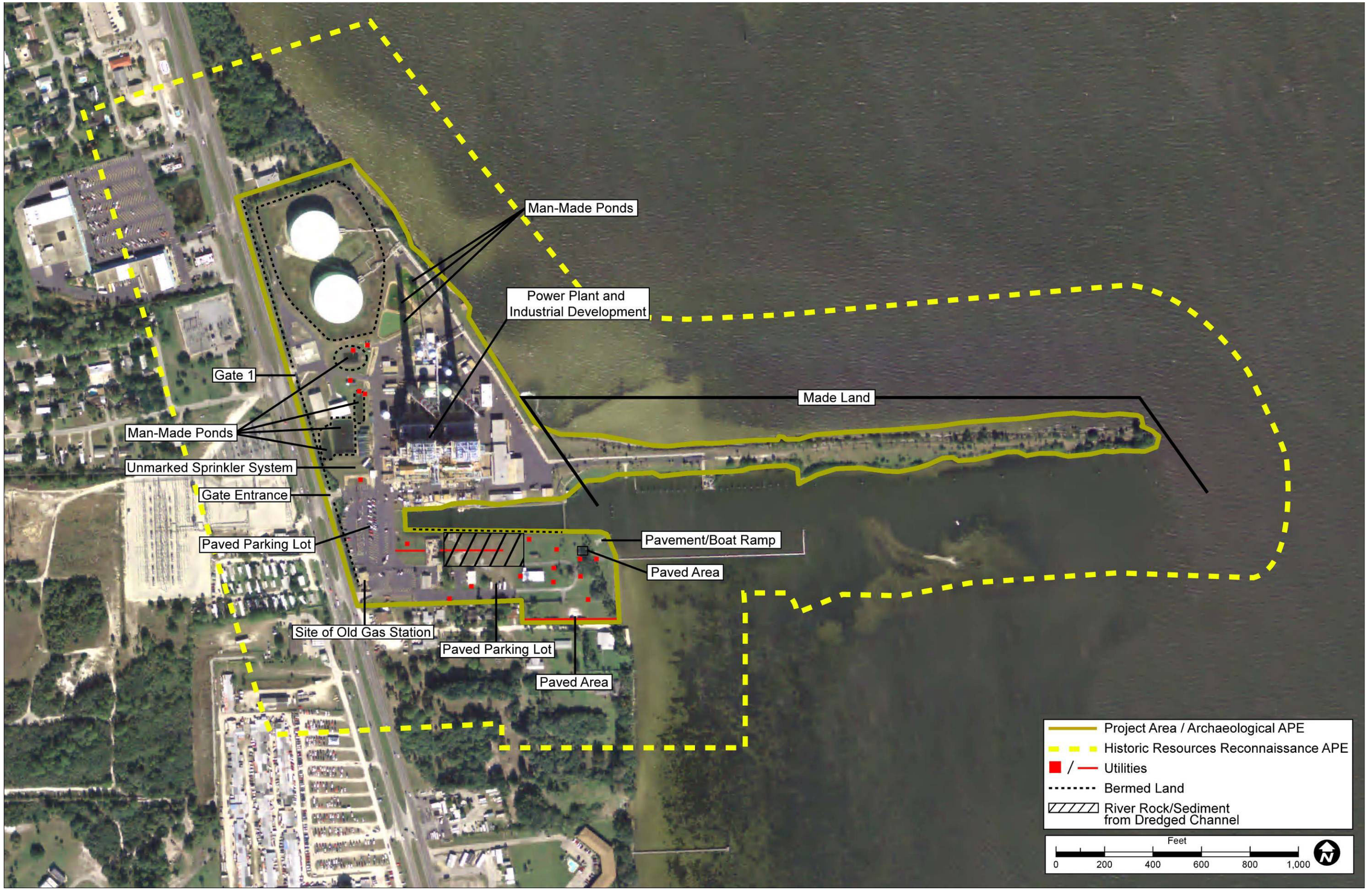


Previously Recorded Cultural Resources within 500 feet of the Project Area

JANUS RESEARCH

ATTACHMENT D:

FIELD AERIAL MAP


Man-Made Ponds
Power Plant and Industrial Development
Gate 1
Made Land
Man-Made Ponds
Unmarked Sprinkler System
Gate Entrance
Paved Parking Lot
Pavement/Boat Ramp
Paved Area
Site of Old Gas Station
Paved Parking Lot
Paved Area
Project Area / Archaeological APE
Historic Resources Reconnaissance APE
Utilities
Bermed Land
River Rock/Sediment from Dredged Channel
Feet
0
200
400
600
800
1,000
N

ATTACHMENT E:

MAP SHOWING LOCATIONS OF IDENTIFIED HISTORIC RESOURCES

Locations of Historic Resources Identified within the Project Area

JANUS RESEARCH

ATTACHMENT F:

FLORIDA MASTER SITE FILE FORMS

1300 N. Westshore Blvd., Suite 100
Tampa, Florida 33607
Phone: (813) 636-8200
Fax: (813) 636-8212

Janus Research

Memo

To: Kerri Kitchen, Golder Associates, Inc.
Cc: Ken Kosky, Golder Associates, Inc.
From: Kathleen S. Hoffman, Janus Research
Date: 10/29/2008
Re: Desktop Analysis for the FPL Cape Canaveral Construction Laydown Area

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Janus Research conducted a desktop analysis for the proposed FPL Cape Canaveral construction laydown and parking area in October, 2008. The purpose of this desktop analysis was to assist in identifying any potential impacts on significant cultural resources that may result from this project. Previously recorded archaeological sites and historic resources, as well as areas with the potential for containing unrecorded resources were identified. The project area is located in Brevard County in Section 19 of Township 23 South, Range 36 East on the Sharpes (1949 PR 1980) USGS Quadrangle map (Attachment 1).

METHODS

For the purposes of this analysis, Janus Research defined the areas of potential effects (APE) as any area within or adjacent to (within a 500 ft. of) the project area. Background research methods included a search of the Florida Master Site File (FMSF) to identify cultural resources that are listed, eligible, or potentially eligible for the National Register of Historic Places (National Register) and resources with potential or confirmed human remains. A preliminary review of the USGS Quadrangle maps and General Land Office (GLO) historic plat maps was also conducted in order to identify any potential historic resources within the project area. A search to identify pertinent Certified Local Governments (CLG) located within the boundaries of the project area was also used in order to obtain information regarding local resources which may not be included in the FMSF.

The FMSF serves as an archive and repository of information about Florida's recorded cultural resources. It represents an inventory of resources for which available information exists and describes their condition at a particular point of time. Because the inventory of resources is not all-inclusive on a statewide basis, gaps in data may exist. The FMSF is only as accurate and as comprehensive as the information that is submitted and users should be cognizant of the sometimes uneven quality of the information. The FMSF is an important planning tool that assists in identifying potential cultural resources issues and resources that may warrant further investigation and protection. It can be used as guide but should not be used to determine the Division of Historical Resources'/State Historic Preservation Office's (FDHR/SHPO) official position about the significance of a resource.

RESULTS

Previous Surveys

While two cultural resources surveys have been previously performed within one mile of the project area, the majority of the project area has never been surveyed for cultural resources. In 2001 , Southeastern Archaeological Research, Inc. (SEARCH) conducted the *Phase I Cultural Resource Survey of Florida Gas Transmission Company Phase VI Expansion Loop C, Loop D, Loop E, Leesburg Lateral Loop, Cape Kennedy Lateral Loop, and Stanton Lateral* (FMSF Survey No. 6850) which intersects a small portion of the project area. No cultural resources were identified within the project area during this survey.

In 2000, Panamerican Consultants, Inc. conducted the *Cultural Resource Assessment Survey of the Proposed Buccaneer Gas Pipeline* (FMSF Survey No. 5840). This survey was conducted approximately 2,400 ft. to the west of the project area and did not identify any cultural material in the vicinity of the project area.

Archaeological Sites

A search of the Florida Master Site File (FMSF) was conducted to determine potential cultural resource issues regarding the project area. This information is based on the most current FMSF data, which is not a comprehensive inventory of cultural resources and their significance and may not reflect existing conditions.

Preliminary background research using the FSMF revealed that there are three previously recorded archaeological sites within one mile of the project area. No previously recorded archaeological sites are located within or adjacent to (within 500 ft.) the project area. These three archaeological sites are presented in Table 1, and their locations are shown in Attachment 2.

Table 1. Previously Recorded Archaeological Sites within One Mile of the Project Area

FMSF #	Site name	Description	National Register Evaluation*
8BR207	Jones Point	Malabar I low-density artifact scatter	No Evaluation
8BR1716	Carol and Nicole	Pre-Columbian low-density lithic scatter	Ineligible
8BR1719	Carol and Nicole Site B	Pre-Columbian low-density artifact scatter	Ineligible

* *As recorded in the FMSF; may require re-evaluation*

None of these three previously recorded archaeological resources were listed in the FMSF as having potential or confirmed human remains, and none of these previously recorded archaeological resources have been determined to be National Register–listed, eligible, or potentially eligible by FDHR/SHPO.

Historic Cultural Resources

No previously recorded historic structures, bridges, cemeteries, districts, or linear resources were identified within one mile of the project area. Additionally, a review of the Sharpes (1949 PR 1980) USGS Quadrangle map did not identify any potentially historic resources within or adjacent to (within 500 ft.) the project area.

Pre-Development Environment and Land Use History

A review of GLO historic plat maps and surveyors' field notes was conducted to look at the past environmental conditions of the project area. The project area is situated to the west of the Indian River Lagoon and is described as second rate pineland with palm and scrub vegetation (FDEP 1859a, 1859b, 1859c, 1927). Archaeological sites often occur in close proximity to freshwater sources.

The historic plat maps were also reviewed for evidence of homesteads or other early settlement. During the nineteenth century (post-1821), historic settlement tended to follow the isolated homestead or farmstead pattern. Individual families or groups of related families often built homesteads on the better-drained, hardwood hammocks. There were usually several miles between these settlements to allow room for farm fields. A review of the historic plat maps shows no indication of military forts, encampments, battlefields, homesteads, farmsteads, roads, or historical Native American villages located within the project area.

However, the Delespine Grant is illustrated on the historic plat maps and is located approximately 900 ft. to the north of the project area. The grant was given to the French physician Joseph Delespine in 1817 and was one of the largest land grants designated by the Spanish (Zimmerman n.d.).

A review of historic aerials from 1943, 1951, and 1970 (State University System of Florida [SUSF] 2004) was conducted to determine the presence or absence of structures within the project area, and to determine if any existing structures were historic. They were also reviewed for environmental features suggestive of archaeological site potential such as hammock vegetation.

The 1943 historic aerial depicts the project area as an area of unimproved pine flatwoods. The 1951 historic aerial shows development to the south and northeast of the northern portion of the project area. The 1970 aerial illustrates the presence of the transmission line corridor within the north-central portion of the project area and the presence of the two substations located adjacent to the project area.

A review of an aerial map provided by Golder Associates, Inc. (Attachment 1) and a current aerial map retrieved from Google Earth also supported the absence of extant structures within the project area.

Archaeological Site Potential Zones

Site potential zones were designated based on their potential for containing archaeological sites. These site potential zones were based on the background research, previous research conducted within the East and Central cultural region, and more specifically, Brevard County, in conjunction with pertinent environmental variables. Variables used to determine site potential zones include distance to fresh water sources (e.g., lakes, creeks, and wetlands), relative elevation, soil drainage characteristics, and the presence of hardwood vegetation.

Fresh water was an important resource for precontact populations. This variable would have been of greater importance during the Paleoindian and Early Archaic stages (12,000–5000 BC), when

the perched water system was more restricted. Access to fresh water during these early periods would have been from sinkholes and aquifer-fed rivers.

The project area is located within the vicinity of the Indian River Lagoon and several unnamed wetland areas. With the abundance of fresh water sources in vicinity of the project area, elevation is an important factor in determining probable archaeological site locations.

Sites in Brevard County can often be found on ridges and in areas of higher elevation near fresh water sources. The USGS Quadrangle map was reviewed to target areas of higher elevation and particular focus was placed on slopes adjacent to fresh water sources. These areas were deemed to have high archaeological site potential while areas or low relative elevation adjacent to wetlands were determined to have moderate archaeological site potential. The elevation of the project area ranges between 6-9 m (20-30 ft.) above mean sea level and is not in an area characteristic of high archaeological site potential.

Drainage characteristics of soil have been successfully used in the formulation of site location and predictive models. Moderately well drained and excessively well drained soil types, particularly those found in areas of higher elevation, were determined to have high archaeological site potential. Soils with somewhat poorly drained or poorer drainage characteristics not indicative of hammock vegetation were designated as having moderate archaeological site potential. The characteristics of all detailed soil types within the project area are described in Table 2. Several of these soils are indicative of development and land modification.

Table 2. Description of Soil Types Located within the Project Area

Drainage Characteristic	Soil Type	Environmental Association
Excessively well drained	Paola Fine Sand, 0 to 5 Percent Slopes	Tops and Sides of Ridges
	Paola Fine Sand, 0 to 8 Percent Slopes	Tops and Sides of Ridges
Moderately well drained	Canaveral-Urban Land Complex	Developed Areas; Sand/Shell Dredged from the Indian River
	Pomello Sand	Broad Low Ridges
	Pomello-Urban Land Complex	Developed Areas
	Quartzipsamments, Smoothed	Shaped and Reworked Land near Urban Centers
Poorly drained	Myakka-Urban Land Complex	Developed Areas
	Immokalee Sand	Broad Areas and Low Ridges in the Flatwoods

Source: USDA 1974

The use of hammock vegetation during the precontact and historic periods is well documented. Hammocks are not usually prone to flooding and retard the development and spread of fires (Austin 1992). The thick foliage of hammocks provides shade and moderates temperatures year-round. The thick canopies of hammocks also provide good shelter during periods of heavy

weather. Mature hammocks offer enough open space for habitation and activity areas. Finally, many fruits, nuts and tubers are available in hammocks that are important as human food sources as well as for their ability to attract game animals. For these reasons, soil types indicative of hardwood or hammock vegetation are designated as high archaeological site potential zones regardless of drainage characteristics. However, none of the soils within the project area typically support hardwood hammock vegetation, and no hardwood hammock vegetation was visible on the historic aerials due to the level of development.

In Florida, historic period sites frequently co-occur with precontact archaeological sites. This is often the result of environmental conditions found desirable by both groups: better-drained upland knolls near transportation routes (i.e., historic trails and major rivers). Use of the land around the project area during the earliest historic periods (First Spanish, English, and Second Spanish) was probably limited; occupations from these periods would have been of such short duration that evidence of parties crossing the project vicinity is almost impossible to detect archaeologically. Furthermore, no such groups are known or suspected of having settled or camped within the project area.

While the project area is situated adjacent to a major waterway, the relatively low elevation of the area may have increased the probability of seasonal flooding. Additionally, the GLO surveyors' field notes for the project area do not mention any hardwood or hammock vegetation. The level of land modification, as evidenced by the disturbed nature of the soils in the northeastern and central portions of the project area suggest a low potential for finding intact archaeological sites. The western border of the project area, as well as the south-central border of the project area, contain poorly drained soils and are also indicative of a low archaeological site potential. The remaining portions of the project area contain a minimal slope and favorable drainage characteristics that suggest a moderate potential for finding intact archaeological sites.

Certified Local Governments and Local Informants

Brevard County is not included on the September 2008 list of CLG posted on the Florida Division of Historical Resources website (FDHR 2008).

RECOMMENDATIONS

Prior to implementation of project plans, coordination with FDHR/SHPO should be conducted to determine the appropriate scope of work to meet pertinent federal and state guidelines.

SUMMARY OF ISSUES

- No previously recorded cultural resources within or adjacent to (within 500 ft.) the project area.
- However, please note that the majority of this project area has not been subjected to previous cultural resource survey and that there may be unrecorded cultural resources within the project area.
- It is anticipated that FDHR/SHPO will request a full cultural resource assessment survey (CRAS) of the project area prior to implementation of project plans.
- No CLG are currently designated within the project area.

REFERENCES

Florida Department of Environmental Protection (FDEP)

1859a Plat Map for Township 23 South, Range 36 East. Division of State Lands, Board of Trustees Land Document System. Accessed online at http://199.73.242.56/default.asp.

1859b Surveyors Notes for Township 23 South, Range 36 East. Accessed online at http://data.labins.org/2003/surveydata/landrecords/glo/index.cfm.

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Florida Division of Historical Resources (FDHR)

2008 Florida Certified Local Governments. Electronic document, accessed online at http://www.flheritage.com/preservation/complaince/local/doc/CLG_list.doc.

Panamerican Consultants, Inc.

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Southeastern Archaeological Research, Inc. (SEARCH)

2001 Phase I Cultural Resource Survey of Florida Gas Transmission Company Phase VI Expansion Loop C, Loop D, Loop E, Leesburg Lateral Loop, Cape Kennedy Lateral Loop, and Stanton Lateral. Manuscript on file, Florida Department of State, Division of Historical Resources, Tallahassee.

State University System of Florida (SUSF)

2004 Publication of Archival, Library & Museum Materials (PALMM) - Aerial Photography: Florida (FLAP). Accessed online at http://www.uflib.ufl.edu/digital/collections/flap.

United States Department of Agriculture (USDA)

1974 *Soil Survey of Brevard County, Florida*. USDA/Soil Conservation Service.

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Janus Research

Memo

To: Kerri Kitchen, Golder Associates, Inc.

Cc: Ken Kosky, Golder Associates, Inc.

From: Adam Schieffer and Kathleen S. Hoffman, Janus Research

Date: 12/03/2008

Re: Desktop Analysis for the FPL Cape Canaveral Additional Proposed Construction Laydown Area

---

Janus Research conducted a desktop analysis for the additional proposed FPL Cape Canaveral construction laydown area (project area) in December 2008. The purpose of this desktop analysis was to assist in identifying any potential impacts on significant cultural resources that may result from this project. Previously recorded archaeological sites and historic resources, as well as areas with the potential for containing unrecorded resources were identified. The project area is located within an existing transmission line corridor in Brevard County in Section 19 of Township 23 South, Range 36 East and Section 24 of Township 23 South, Range 35 East on the Sharpes (1949 PR 1980) USGS Quadrangle map (Attachment 1).

METHODS

For the purposes of this analysis, Janus Research defined the areas of potential effects (APE) as any area within or adjacent to (within a 500 ft. of) the project area. Background research methods included a search of the Florida Master Site File (FMSF) to identify cultural resources that are listed, eligible, or potentially eligible for the National Register of Historic Places (National Register) and resources with potential or confirmed human remains. A preliminary review of the USGS Quadrangle maps and General Land Office (GLO) historic plat maps was also conducted in order to identify any potential historic resources within the project area. A search to identify pertinent Certified Local Governments (CLG) located within the boundaries of the project area was also used in order to obtain information regarding local resources which may not be included in the FMSF.

The FMSF serves as an archive and repository of information about Florida's recorded cultural resources. It represents an inventory of resources for which available information exists and describes their condition at a particular point of time. Because the inventory of resources is not all-inclusive on a statewide basis, gaps in data may exist. The FMSF is only as accurate and as comprehensive as the information that is submitted and users should be cognizant of the sometimes uneven quality of the information. The FMSF is an important planning tool that assists in identifying potential cultural resource issues and resources that may warrant further investigation and protection. It can be used as

guide but should not be used to determine the Division of Historical Resources'/State Historic Preservation Office's (FDHR/SHPO) official position about the significance of a resource.

RESULTS

Previous Surveys

While one cultural resources survey has been previously performed within one mile of the project area, the majority of the project area has never been surveyed for cultural resources. In 2001, Southeastern Archaeological Research, Inc. (SEARCH) conducted the *Phase I Cultural Resource Survey of Florida Gas Transmission Company Phase VI Expansion Loop C, Loop D, Loop E, Leesburg Lateral Loop, Cape Kennedy Lateral Loop, and Stanton Lateral* (FMSF Survey No. 6850) which intersects a small portion of the project area. No cultural resources were identified within the project area during this survey.

Archaeological Sites

A search of the Florida Master Site File (FMSF) was conducted to determine potential cultural resource issues regarding the project area. This information is based on the most current FMSF data, which is not a comprehensive inventory of cultural resources and their significance and may not reflect existing conditions.

Preliminary background research using the FSMF revealed that there are three previously recorded archaeological sites within one mile of the project area. No previously recorded archaeological sites are located within or adjacent to (within 500 ft.) the project area. These three archaeological sites are presented in Table 1, and their locations are shown in Attachment 1.

Table 1. Previously Recorded Archaeological Sites within One Mile of the Project Area

FMSF #	Site name	Description	National Register Evaluation*
8BR207	Jones Point	Malabar I low-density artifact scatter	No Evaluation
8BR1716	Carol and Nicole	Pre-Columbian low-density lithic scatter	Ineligible
8BR1719	Carol and Nicole Site B	Pre-Columbian low-density artifact scatter	Ineligible

** As recorded in the FMSF; may require re-evaluation*

None of these three previously recorded archaeological resources were listed in the FMSF as having potential or confirmed human remains, and none of these previously recorded archaeological resources have been determined to be National Register–listed, eligible, or potentially eligible by FDHR/SHPO.

Historic Cultural Resources

No previously recorded historic structures, bridges, cemeteries, districts, or linear resources were identified within one mile of the project area. However, a review of the Sharpes (1949 PR 1980) USGS Quadrangle map did illustrate the presence of a potentially historic portion of railroad corridor (currently the Florida East Coast Railway) adjacent to the western boundary of the project area.

Pre-Development Environment and Land Use History

A review of GLO historic plat maps and surveyors' field notes was conducted to look at the past environmental conditions of the project area. The project area is situated to the west of the Indian River and is described as second rate pineland with palm and scrub vegetation (FDEP 1859a, 1859b, 1927). Archaeological sites often occur in close proximity to freshwater sources.

The historic plat maps were also reviewed for evidence of homesteads or other early settlement. During the nineteenth century (post-1821), historic settlement tended to follow the isolated homestead or farmstead pattern. Individual families or groups of related families often built homesteads on the better-drained, hardwood hammocks. A review of the historic plat maps illustrated the Delespine Grant approximately 590 ft. to the north of the project area. The grant was given to the French physician Joseph Delespine in 1817 and was one of the largest land grants designated by the Spanish (Zimmerman n.d.). The plat maps showed no indication of military forts, encampments, battlefields, homesteads, farmsteads, roads, or historical Native American villages located within the project area.

A review of historic aerials from 1943, 1951, and 1970 (State University System of Florida [SUSF] 2004) was conducted to determine the presence or absence of structures within the project area, and to determine if any existing structures were historic. They were also reviewed for environmental features suggestive of archaeological site potential such as hammock vegetation.

The 1943 historic aerial depicts the project area as an area of unimproved pine flatwoods with wetland area located to the south. The location of the railroad corridor along the western boundary of the project area is visible in the 1943 historic aerial. The 1951 historic aerial shows the presence of a road to the northeast of the project area but the major development in the area is depicted along a roadway (currently US 1) to the east of the project area. The 1970 aerial illustrates that the project area has been cleared and modified into a transmission line corridor leading to a substation located outside of the project area to the east.

While modern transmission line towers exist within the project area, a review of a current aerial map retrieved from Google Earth supported the absence of additional extant structures within the project area.

Archaeological Site Potential Zones

Site potential zones were designated based on their potential for containing archaeological sites. These site potential zones were based on the background research, previous research conducted within the East and Central cultural region, and more specifically, Brevard County, in conjunction with pertinent environmental variables. Variables used to determine site potential zones include distance to fresh water sources (e.g., lakes, creeks, and wetlands), relative elevation, soil drainage characteristics, and the presence of hardwood vegetation.

The project area is located within the vicinity of the Indian River and several unnamed wetland areas. The elevation of the project area ranges between 7.5-9 m (25-30 ft.) above mean sea level and is not in an area characteristic of high archaeological site potential. The characteristics of all detailed soil types within the project area are described in Table 2.

Table 2. Description of Soil Types Located within the Project Area

Drainage Characteristic	Soil Type	Environmental Association
Excessively well drained	Paola Fine Sand, 0 to 5 Percent Slopes	Tops and Sides of Ridges
Moderately well drained	Pomello Sand	Broad Low Ridges
	Pomello-Urban Land Complex	Developed Areas
Poorly drained	Immokalee Sand	Broad Areas and Low Ridges in the Flatwoods
Very poorly drained	Basinger Sand, Depressional	Depressions and Poorly Defined Drainageways in the Flatwoods

Source: USDA 1974

While the majority of the project area is poorly or very poorly drained, or indicative of land modification, a small area of moderately well drained soil is located in the southeastern corner of the project area and a small area of excessively well drained soil is located at the point of highest elevation in the northeast-central portion of the project area. The soils within the project area are not suggestive of hardwood hammock vegetation, and no hardwood hammock vegetation was visible on the historic aerials.

In Florida, historic period sites frequently co-occur with precontact archaeological sites. This is often the result of environmental conditions found desirable by both groups: better-drained upland knolls near transportation routes (i.e., historic trails and major rivers). Use of the land around the project area during the earliest historic periods (First Spanish, English, and Second Spanish) was probably limited; occupations from these periods would have been of such short duration that evidence of parties crossing the project vicinity is almost impossible to detect archaeologically. Furthermore, no such groups are known or suspected of having settled or camped within the project area.

While the project area is situated adjacent to a major waterway, the relatively low elevation of the area may have increased the probability of seasonal flooding. Additionally, the GLO surveyors' field notes for the project area do not mention any hardwood or hammock vegetation. Additionally, the construction of the transmission line corridor and associated land modification, may suggest a low potential for finding intact archaeological sites. The majority of the project area contains poorly and very poorly drained soils indicative of a low archaeological site potential. The two small areas of moderately well drained and extremely well drained soils exhibit a minimal slope and favorable drainage characteristics suggestive of a moderate potential for finding intact archaeological sites.

Certified Local Governments and Local Informants

Brevard County is not included on the September 2008 list of CLG posted on the Florida Division of Historical Resources website (FDHR 2008).

RECOMMENDATIONS

Prior to implementation of project plans, coordination with FDHR/SHPO should be conducted to determine the appropriate scope of work to meet pertinent federal and state guidelines.

SUMMARY OF ISSUES

- No previously recorded cultural resources within or adjacent to (within 500 ft.) the project area.
- Preliminary background research indicates a low to moderate probability for unrecorded archaeological sites.

REFERENCES

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1927 Plat Map for Township 23 South, Range 36 East. Division of State Lands, Board of Trustees Land Document System. Accessed online at http://199.73.242.56/default.asp.

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State University System of Florida (SUSF)
2004 Publication of Archival, Library & Museum Materials (PALMM) - Aerial Photography: Florida (FLAP). Accessed online at http://www.uflib.ufl.edu/digital/collections/flap.

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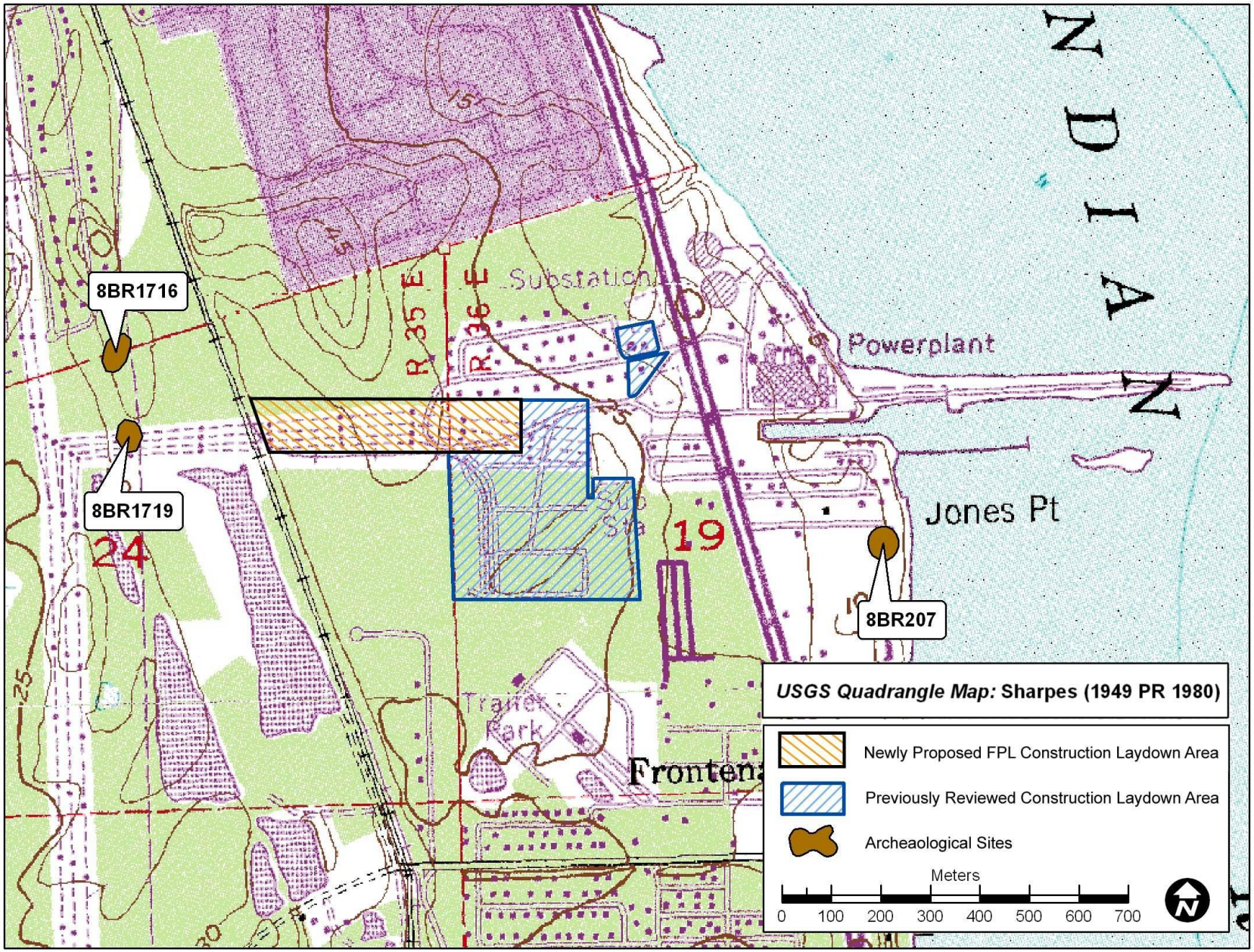
1974 *Soil Survey of Brevard County, Florida*. USDA/Soil Conservation Service.

Zimmerman, Vera

n.d. The First Settlers, 10,000 BC to 1820, *Brevard County GenWeb History*. Accessed online at http://www.flbrevard.com/History/10K-1820.html.

ATTACHMENT 1:

USGS QUADRANGLE MAP ILLUSTRATING PROJECT AREA LOCATION & PREVIOUSLY RECORDED CULTURAL RESOURCES


8BR1716
8BR1719
8BR207
Substation
Powerplant
Jones Pt
R 35 E
R 36 E
24
19
25
30
Trailer Park
INDIAN
USGS Quadrangle Map: Sharpes (1949 PR 1980)
Newly Proposed FPL Construction Laydown Area
Previously Reviewed Construction Laydown Area
Archeaological Sites
Meters
0 100 200 300 400 500 600 700
N

APPENDIX 10.7.3

NOISE INFORMATION

- **BREVARD COUNTY ZONING CODE INTERPRETATION**
- **NOISE MODELING ANALYSIS**
- **NOISE EQUIPMENT – CALIBRATION AND CONFORMANCE CERTIFICATE**

BREVARD County
BOARD OF COUNTY COMMISSIONERS

FLORIDA'S SPACE COAST

Planning & Zoning Office
2725 Judge Fran Jamieson Way
Viera, FL 32940

Phone: (321)633-2069
Fax: (321)633-2174
Email: robin.sobrino@brevardcounty.us

August 13, 2008

Philip F. Nohrr
Gray Robinson Attorneys at Law
1795 West Nasa Blvd.
PO Box 1870
Melbourne, FL 32902-1870

RE: Request for Zoning Code Interpretation
FPL Cape Canaveral Plant Conversion

Dear Mr. Nohrr:

Your letter dated August 8, 2008 requests clarification of Section 62-2271 (c) (1) to affirm that the performance standard for sound levels relates to the actual sound levels emitted by the proposed use. Please be advised that the intent of this provision is to regulate sound levels emitted by the use in question. It is not the intent of this section to include ambient sound levels in the measurement.

Please feel free to contact me if you have further questions regarding this matter.

Sincerely,

BREVARD COUNTY PLANNING & ZONING OFFICE

Robin M Sobrino

Robin M. Sobrino, AICP
Director

/re

"This letter does not establish a right to develop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations."

FPL

August 26, 2008

Brevard County Planning & Zoning Office
2725 Judge Fran Jamieson Way, Building A (Suite 114)
Viera, Florida 32940

Attn: Richard D. Enos, Zoning Manager

Re: **FPL CAPE CANAVERAL ENERGY CENTER**

Dear Mr. Enos:

Per your request, Florida Power & Light Company (FPL) is pleased to submit to Brevard County Planning & Zoning Office, the attached computerized noise modeling analysis report to determine the maximum predicted sound levels emitted by the proposed FPL Cape Canaveral Energy Center (CCEC). It is concluded that the maximum predicted sound levels emitted from the proposed CCEC do not exceed the maximum permissible sound levels in Section 62-2271 (c) of Brevard County's Land Development Regulations. In addition, the CCEC project complies with the performance standards listed in Section 62-2251 through 62-2272.

FPL looks forward to working with you and other reviewers in the County on this important clean energy project. If you should have any questions, please do not hesitate to call me at (561) 691-7518 or Ashley Pinnock at (561) 304-5127.

Sincerely,

Barbara P. Linkiewicz
Director of Environmental Licensing
Florida Power & Light Company

cc: Gray-Robinson, P.A.: Philip Nohrr, Esq.
Golder: Richard Zwolak, Kerri Kitchen, Ken Kosky
FPL: Ashley Pinnock, Jacquelyn Lorne

Golder Associates Inc.

6241 NW 23rd Street, Suite 500
Gainesville, FL 32653-1500
Telephone (352) 336-5600
Fax (352) 336-6603

August 26, 2008

0838-7556

Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408

Attention: Ms. Barbara P Linkiewicz, Director of Environmental Licensing

RE: FPL CAPE CANAVERAL ENERGY CENTER
COMPLIANCE WITH MAXIMUM PERMISSIBLE SOUND LEVELS

Dear Barbara:

Golder Associates Inc. (Golder) performed a computerized noise modeling analysis to determine the maximum predicted sound levels emitted by the proposed Florida Power & Light (FPL) Cape Canaveral Energy Center (CCEC). The maximum predicted sound levels from CCEC are being evaluated to assess compliance with Section 62-2271 (c) (Maximum permissible sound levels) in Chapter 62 of Brevard County's Land Development Regulations. The maximum permissible sound levels are applicable to the "predicted or actual sound pressure levels emitted by the proposed use". The most restrictive permissible sound level in Section 62-2271 (c) is 55 A-weighted decibels (dBA), which applies to residential and commercial receiving uses and is applicable from 10:00 p.m. to 7:00 a.m. Since CCEC is not yet constructed, a computerized noise model must be used to assess compliance with this land use regulation.

The computerized noise model used for this analysis was CadnaA (Computer Aided Noise Abatement), a computerized software program for calculation, presentation, assessment, and prediction of environmental noise (DataKustik, 2008). This model has been accepted by the Florida Department of Environmental Protection (FDEP) for analyzing noise from power plants including combined cycle plants similar in design to the proposed CCEC.

The maximum predicted sound levels were predicted using noise sources from similar FPL combined cycle projects. In the development of these noise sources, manufacturer data on the sources of noise were used as well as incorporation of actual field measurements from similar operating combined cycle plants. Since the design of CCEC has not yet been finalized, the computerized noise analysis attempted to envelope the potential magnitude and sources of noise for CCEC.

The noise sources were entered as octave band sound power levels. Locations of the noise sources, building dimensions, and receptors were input directly onto the computerized site plan for the proposed CCEC. The noise sources associated with CCEC will be point, line, area, and vertical-area noise sources, which were incorporated into the model. Sound propagation is calculated by accounting for hemispherical spreading and three other attenuation methods as included in the analysis: atmospheric attenuation, path-specific attenuation, and barrier attenuation, as appropriate. Atmospheric attenuation is calculated using the data consistent with the Calculation of the Absorption of Sound by the Atmosphere by the American National Standards Institute (ANSI), Acoustical Society of America. Path-specific attenuation can be specified to account for the effects of vegetation, foliage, and wind shadowing. Directional source characteristics and reflection can be simulated using path-specific attenuation. Barrier attenuation is calculated by assuming an infinitely

long barrier perpendicular to the source-receptor path. Sound pressure levels in dBA are calculated and presented in graphical form.

The sound pressure levels predicted for the proposed CCEC using the computerized noise model, CadnaA, are shown in Figure 1. This figure shows the maximum predicted noise emitted from CCEC for contours of 55, 65, 75, and 85 dBA without the addition of ambient noise. Based on the August 13, 2008 letter from Ms. Robin M. Sobino, AICP, Director of Brevard County Planning and Zoning Office to Philip F. Nohrr, ambient noise is not included in the determination of compliance of the proposed use. As shown on Figure 1, the highest predicted sound pressure levels (i.e., 65, 75, and 85 dBA) occur within the CCEC property, or close to the sources of sound. The 55 dBA contour is located at or near the CCEC property boundary. Predicted sound pressure levels beyond the 55 dBA contour, or farther away from the proposed CCEC, are less than 55 dBA. Based on the locations of the 55 dBA contour, the predicted sound pressure levels emitted by the proposed CCEC will not exceed 55 dBA for residential or commercial uses in the proximity of the proposed use.

Based on the results of the computerized noise modeling analysis, it is concluded that the maximum predicted sound levels emitted from the proposed CCEC do not exceed the maximum permissible sound levels in Section 62-2271 (c) of Brevard County's Land Development Regulations.

Please call if there are any questions or you need additional information.

Sincerely,

GOLDER ASSOCIATES INC.*

Kennard F. Kosky, P.E.
Principal

SEAL

Gage Miller
Project Scientist

KFK/tz

Enclosures

cc: Gray-Robinson, P.A.: Philip F. Nohrr, Esq.
FPL: Ashley Pinnock, Jacquelyn Lorne
Golder: Richard Zwolak, Kerri Kitchen

L082708_556 CCEC Noise Modeling Summary.docx

* Board of Professional Engineers Certificate of Authorization #00001670.

LEGEND

Predicted Noise Impact Contours

- > 55 dB
- > 65 dB
- > 75 dB
- > 85 dB
- Source Locations
- Wall
- FPL Property

Zoning

- Residential
- Commercial

REFERENCE

Based on conceptual design information.
Aerial Express, 2006; Brevard County Planning and Zoning Office GIS Dept.
Projection: Transverse Mercator Datum: NAD 83 Coordinate System: UTM Zone 17

525 0 525 Feet

PROJECT

FPL CAPE CANAVERAL ENERGY CENTER

TITLE

NOISE MODELING RESULTS

Golder Associates
Gainesville, Florida

PROJECT No. 083-87556			SCALE AS SHOWN	REV. 0
DESIGN	AB	26 Aug. 2008		
GIS	AB	26 Aug. 2008		
CHECK	GM	26 Aug. 2008		
REVIEW	KK	26 Aug. 2008		

FIGURE 1

PCB PIEZOTRONICS
A PCB GROUP COMPANY

Certificate of Calibration and Conformance

Certificate Number 2007-92877

Instrument Model 824, Serial Number 3106, was calibrated on 08MAY2007. The instrument meets factory specifications per Procedure D0001.8046, IEC 61672-1:2002 Class 1; IEC 60651-2001, 60804-2000 and ANSI S1.4-1983 Type 1 1/3, 1/1 Oct. Filters; S1.11-1986 Type 1C; IEC61260-am1-2001 Class 1 .

Instrument found to be in calibration as received: YES
Date Calibrated: 08MAY2007
Calibration due: 08MAY2008

Calibration Standards Used

MANUFACTURER	MODEL	SERIAL NUMBER	INTERVAL	CAL. DUE	TRACEABILITY NO.
Larson Davis	LDSigGn/2209	0589 / 0103	12 Months	06DEC2007	2006-87149

Reference Standards are traceable to the National Institute of Standards and Technology (NIST)

Calibration Environmental Conditions

Temperature: 23 ° Centigrade

Relative Humidity: 31 %

Affirmations

This Certificate attests that this instrument has been calibrated under the stated conditions with Measurement and Test Equipment (M&TE) Standards traceable to the U.S. National Institute of Standards and Technology (NIST). All of the Measurement Standards have been calibrated to their manufacturers' specified accuracy / uncertainty. Evidence of traceability and accuracy is on file at Provo Engineering & Manufacturing Center. An acceptable accuracy ratio between the Standard(s) and the item calibrated has been maintained. This instrument meets or exceeds the manufacturer's published specification unless noted.

This calibration complies with the requirements of ISO 17025 and ANSI Z540. The collective uncertainty of the Measurement Standard used does not exceed 25% of the applicable tolerance for each characteristic calibrated unless otherwise noted.

The results documented in this certificate relate only to the item(s) calibrated or tested. A one year calibration is recommended, however calibration interval assignment and adjustment are the responsibility of the end user. This certificate may not be reproduced, except in full, without the written approval of the issuer.

"As Received" data is the same as shipped data.

Tested with PRM902 S/N 3275

Signed:

Technician: Scott Montgomery

Provo Engineering and Manufacturing Center, 1681 West 820 North, Provo, Utah 84601
Toll Free: 888.258.3222 Telephone: 716.926.8243 Fax: 716.926.8215
ISO 9001-2000 Certified

PCB PIEZOTRONICS
A PCB GROUP COMPANY

Certificate of Calibration and Conformance

Certificate Number 2007-92859

Instrument Model PRM902, Serial Number 3275, was calibrated on 08MAY2007. The instrument meets factory specifications per Procedure D0001.8126.

Instrument found to be in calibration as received: YES
Date Calibrated: 08MAY2007
Calibration due: 08MAY2008

Calibration Standards Used

MANUFACTURER	MODEL	SERIAL NUMBER	INTERVAL	CAL. DUE	TRACEABILITY NO.
Larson Davis	2900 / 2209	0097 / 0118	12 Months	04AUG2007	2006-82872
Hewlett Packard	34401A	MY41044529	12 Months	08JAN2008	295900

Reference Standards are traceable to the National Institute of Standards and Technology (NIST)

Calibration Environmental Conditions

Temperature: 23 ° Centigrade

Relative Humidity: 31 %

Affirmations

This Certificate attests that this Instrument has been calibrated under the stated conditions with Measurement and Test Equipment (M&TE) Standards traceable to the U.S. National Institute of Standards and Technology (NIST). All of the Measurement Standards have been calibrated to their manufacturers' specified accuracy / uncertainty. Evidence of traceability and accuracy is on file at Provo Engineering & Manufacturing Center. An acceptable accuracy ratio between the Standard(s) and the Item calibrated has been maintained. This instrument meets or exceeds the manufacturer's published specification unless noted.

This calibration complies with the requirements of ISO 17025 and ANSI Z540. The collective uncertainty of the Measurement Standard used does not exceed 25% of the applicable tolerance for each characteristic calibrated unless otherwise noted.

The results documented in this certificate relate only to the item(s) calibrated or tested. A one year calibration is recommended, however calibration interval assignment and adjustment are the responsibility of the end user. This certificate may not be reproduced, except in full, without the written approval of the issuer.

"As Received" data is the same as shipped data.

Signed: Scott Montgomery

Technician: Scott Montgomery

Provo Engineering and Manufacturing Center, 1681 West 820 North, Provo, Utah 84601
Toll Free: 888.258.3222 Telephone: 716.926.8243 Fax: 716.926.8215
ISO 9001-2000 Certified

PCB PIEZOTRONICS
A PCB GROUP COMPANY

Certificate of Calibration and Conformance

Certificate Number 2007-92886

Microphone Model 2560, Serial Number 3424, was calibrated on 08MAY2007. The microphone meets current factory specifications per Test Procedure D0001.8167.

Instrument found to be in calibration as received: YES
Date Calibrated: 08MAY2007
Calibration due: 08MAY2008

Calibration Standards Used

MANUFACTURER	MODEL	SERIAL NUMBER	INTERVAL	CAL DUE	TRACEABILITY NO.
Larson Davis	2900	0575	12 Months	27JUN2007	2006-81604
Larson Davis	CAL250	42630	12 Months	03AUG2007	2006-82792
Larson Davis	2559	3034LF	12 Months	30AUG2007	2006-83723
Larson Davis	PRM902	0529	12 Months	06SEP2007	2006-83918
Larson Davis	PRM902	0528	12 Months	06SEP2007	2006-83919
Larson Davis	MTS1000 / 2201	1000 / 0100	12 Months	11SEP2007	2006-0911-1
Larson Davis	PRM915	0102	12 Months	13NOV2007	2006-86003
Larson Davis	PRM902	0206	12 Months	13NOV2007	2006-85999
Larson Davis	PRM916	0102	12 Months	13NOV2007	2006-86001
Hewlett Packard	34401A	3146A62099	12 Months	13NOV2007	294607
Larson Davis	2559	2506	12 Months	30JAN2008	14714-1

Reference Standards are traceable to the National Institute of Standards and Technology (NIST)

Calibration Environmental Conditions

Environmental test conditions as printed on microphone calibration chart.

Affirmations

This Certificate attests that this instrument has been calibrated under the stated conditions with Measurement and Test Equipment (M&TE) Standards traceable to the U S National Institute of Standards and Technology (NIST). All of the Measurement Standards have been calibrated to their manufacturers' specified accuracy / uncertainty. Evidence of traceability and accuracy is on file at Provo Engineering & Manufacturing Center. An acceptable accuracy ratio between the Standard(s) and the item calibrated has been maintained. This instrument meets or exceeds the manufacturer's published specification unless noted.

This calibration complies with the requirements of ISO 17025 and ANSI Z540. The collective uncertainty of the Measurement Standard used does not exceed 25% of the applicable tolerance for each characteristic calibrated unless otherwise noted

The results documented in this certificate relate only to the item(s) calibrated or tested. A one year calibration is recommended, however calibration interval assignment and adjustment are the responsibility of the end user. This certificate may not be reproduced, except in full, without the written approval of the Issuer

"AS RECEIVED" data is the same as shipped data.

Signed: Abraham Ortega
Technician: Abraham Ortega

Provo Engineering and Manufacturing Center, 1681 West 820 North, Provo, Utah 84601
Toll Free: 888.258.3222 Telephone: 716.926.8243 Fax: 716.926.8215
ISO 9001-2000 Certified

PCB PIEZOTRONICS
A PCB GROUP COMPANY

Certificate of Calibration and Conformance

Certificate Number 2007-92854

Instrument Model CAL200, Serial Number 4318, was calibrated on 08MAY2007. The instrument meets factory specifications per Procedure D0001.8190.

Instrument found to be in calibration as received: YES
Date Calibrated: 08MAY2007
Calibration due: 08MAY2008

Calibration Standards Used

MANUFACTURER	MODEL	SERIAL NUMBER	INTERVAL	CAL. DUE	TRACEABILITY NO.
Hewlett Packard	34401A	US36033460	12 Months	02JUN2007	290347
Hewlett Packard	34401A	3146A10352	12 Months	23JUN2007	291010
Larson Davis	MTS1000/2201	0111	12 Months	11SEP2007	2006-0911-2
Larson Davis	PRM915	0112	12 Months	18SEP2007	2006-84212
Larson Davis	PRM902	0480	12 Months	18SEP2007	2006-84211
Larson Davis	2559	2504	12 Months	11OCT2007	14485-1
Schaevitz	P3061-15PSIA	17590	12 Months	16NOV2007	294809
Larson Davis	2900	0661	12 Months	04APR2008	2007-91426

Reference Standards are traceable to the National Institute of Standards and Technology (NIST)

Calibration Environmental Conditions

Environmental test conditions as shown on calibration report.

Affirmations

This Certificate attests that this instrument has been calibrated under the stated conditions with Measurement and Test Equipment (M&TE) Standards traceable to the U.S. National Institute of Standards and Technology (NIST). All of the Measurement Standards have been calibrated to their manufacturers' specified accuracy / uncertainty. Evidence of traceability and accuracy is on file at Provo Engineering & Manufacturing Center. An acceptable accuracy ratio between the Standard(s) and the Item calibrated has been maintained. This instrument meets or exceeds the manufacturer's published specification unless noted.

This calibration complies with the requirements of ISO 17025 and ANSI Z540. The collective uncertainty of the Measurement Standard used does not exceed 25% of the applicable tolerance for each characteristic calibrated unless otherwise noted.

The results documented in this certificate relate only to the item(s) calibrated or tested. A one year calibration is recommended, however calibration interval assignment and adjustment are the responsibility of the end user. This certificate may not be reproduced, except in full, without the written approval of the issuer.

Before: 114.09 dB, 94.10 dB, 1000.3 Hz @ sea level.
After: Refer to Certificate of Measured Output.

Signed: Scott Montgomery
Technician: Scott Montgomery

Provo Engineering and Manufacturing Center, 1681 West 820 North, Provo, Utah 84601
Toll Free: 888.258.3222 Telephone: 716.926.8243 Fax: 716.926.8215
ISO 9001-2000 Certified

APPENDIX 10.7.4

TRAFFIC INFORMATION

Cape Canaveral FPL Facility

traffic study

prepared for:
Golder Associates, Inc.

Traf Tech
ENGINEERING, INC.

December 2008

Traf Tech
ENGINEERING, INC.

December 11, 2008

Ms. Kerri J. Kitchen
Senior Planner
Golder Associates, Inc.
5100 W. Lemon Street, Suite 114
Tampa, Florida 33609

Re: Cape Canaveral FPL Facility – Traffic Study

Dear Kerri:

Traf Tech Engineering, Inc. is pleased to provide you with the results of the traffic study undertaken for the proposed conversion project associated with the existing Florida Power & Light facility located in Cape Canaveral, Florida. It has been a pleasure serving Golder Associates on this project.

Sincerely,

TRAF TECH ENGINEERING, INC.

Joaquin E. Vargas, P.E.
Senior Transportation Engineer

12/11/08

8400 North University Drive, Suite 202, Tamarac, Florida 33321
Tel: (954) 582-0988 Fax: (954) 582-0989

TABLE OF CONTENTS

INTRODUCTION 1

INVENTORY 3
- Existing Land Use and Access 3
- Proposed Land Use and Access 3
- Roadway System 3

TRAFFIC COUNTS 5

TRIP GENERATION 7

TRIP DISTRUBUTION AND TRAFFIC ASSIGNMENT 11

TRAFFIC ANALYSIS 12
- Future Conditions Traffic Volumes 12
- Level of Service Analyses 13

CONCLUSIONS AND RECOMMENDATIONS 16

LIST OF FIGURES

FIGURE 1 – Project Location Map 2
FIGURE 2 – Existing Lane Geometry 4
FIGURE 3 – Existing Traffic Counts 6

LIST OF TABLES

TABLE 1 – Daily Traffic Volumes 7
TABLE 2 – Determination of AM Peak Hour Volume (7-9) 8
TABLE 3 – Determination of PM Peak Hour Volume (4-6) 9
TABLE 4 – Intersection Analyses (Peak Construction Period) – Main Gate 13
TABLE 5 – Intersection Analyses (Peak Construction Period) – Clearview Drive 14

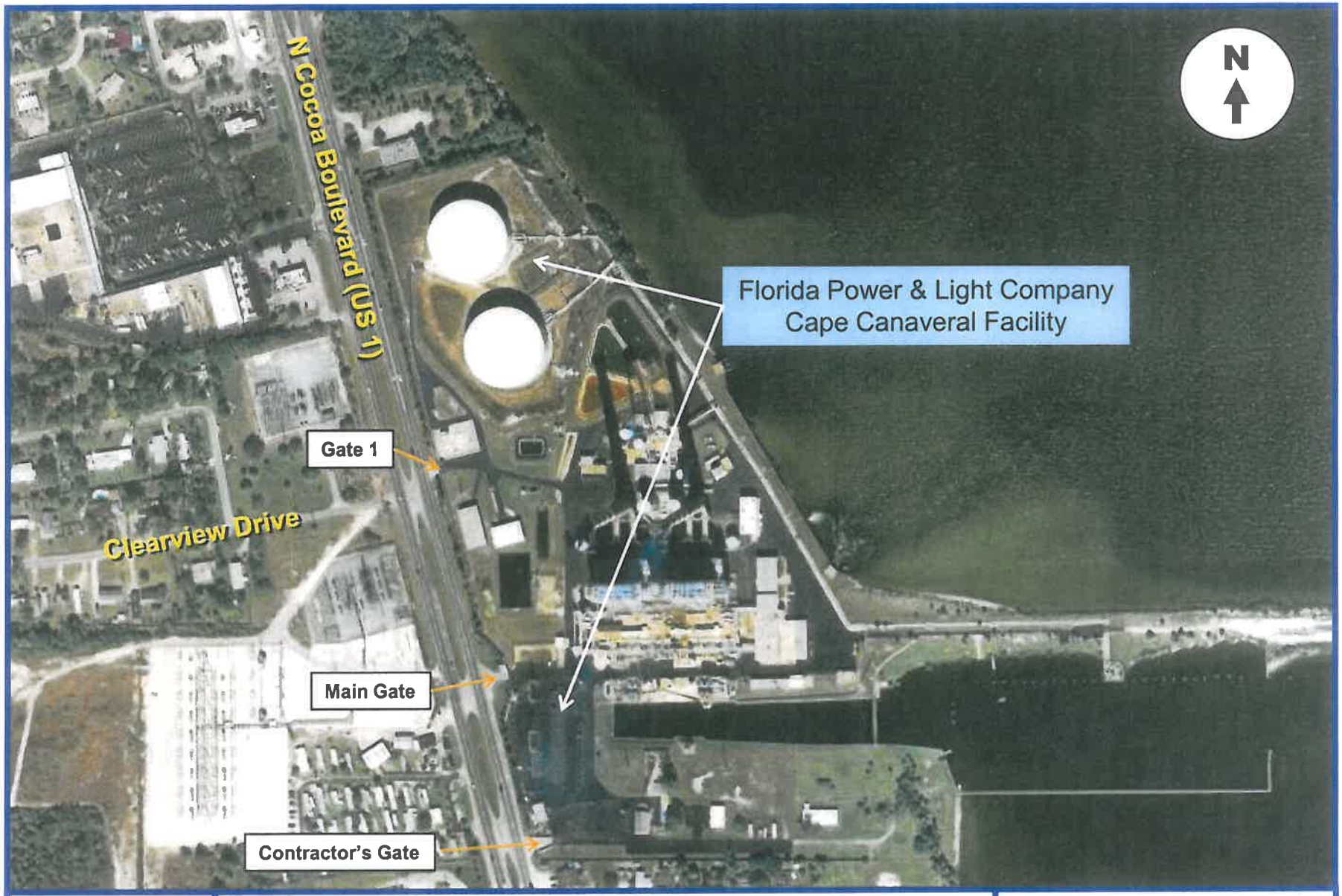
INTRODUCTION

The Cape Canaveral Florida Power & Light (FPL) Power Plant facility is located on the east side of N Cocoa Boulevard (US1) near Clearview Drive in unincorporated Brevard County, Florida. Figure 1 on the following page shows the location of the Cape Canaveral FPL facility and its relationship to the existing street system surrounding the subject utility plant.

Traf Tech Engineering, Inc. was retained by Golder Associates, Inc. to conduct a traffic study associated with the Conversion Project. The Conversion Project will decommission and dismantle the existing utility facility and build a new more energy-efficient facility within the same site. The traffic study evaluates the traffic impacts during the construction phase of the project.

This study is divided into six (6) sections, as listed below:

1. Inventory
2. Traffic Counts
3. Trip Generation
4. Trip Distribution and Traffic Assignment
5. Traffic Analysis
6. Conclusions and Recommendations



Traf Tech
ENGINEERING, INC.

PROJECT LOCATION MAP

FIGURE 1
FPL Facility
Cape Canaveral, Florida

INVENTORY

Existing Land Use and Access

Based on information provided by the Cape Canaveral FPL facility personnel, the current power plant has 46 employees split into four working shifts.

Access to the Cape Canaveral FPL site is provided via three access driveways (Gate 1, Main Gate, and Contractor's Gate) located off of US 1, as illustrated in Figure 1.

Proposed Land Use and Access

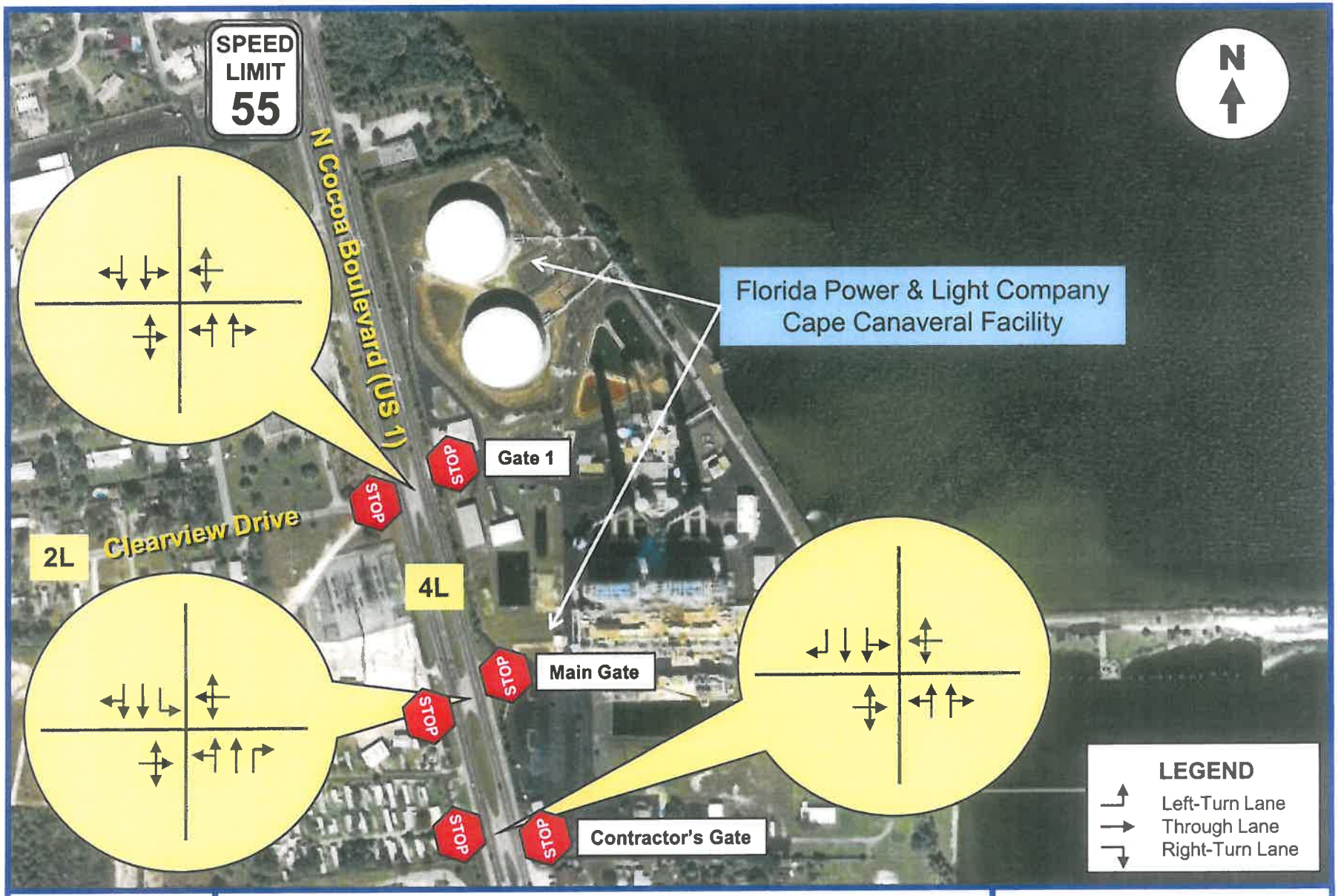
The resulting conversion project will maintain the existing 46 employees split into four working shifts. The existing driveways will remain.

Roadway System

One main roadway (US 1 – N. Cocoa Boulevard) is located in the vicinity of the project site. US 1 provides two through lanes in each direction and has a wide landscaped median.

The three access driveways are stopped-controlled (stop signs are located on the side street – US 1 is free flowing). Moreover, the north driveway (Gate 1) was closed during the time of the field data collection. Figure 2 shows the existing lane geometry of the three access driveway intersections. The number of lanes on the street system surrounding the project site is also depicted in the figure.

As described in the "Traffic Counts" section of this report (Page 5), US 1 has excess capacity to accommodate additional traffic during the morning and afternoon peak periods.



Traf Tech
ENGINEERING, INC.

EXISTING LANE GEOMETRY

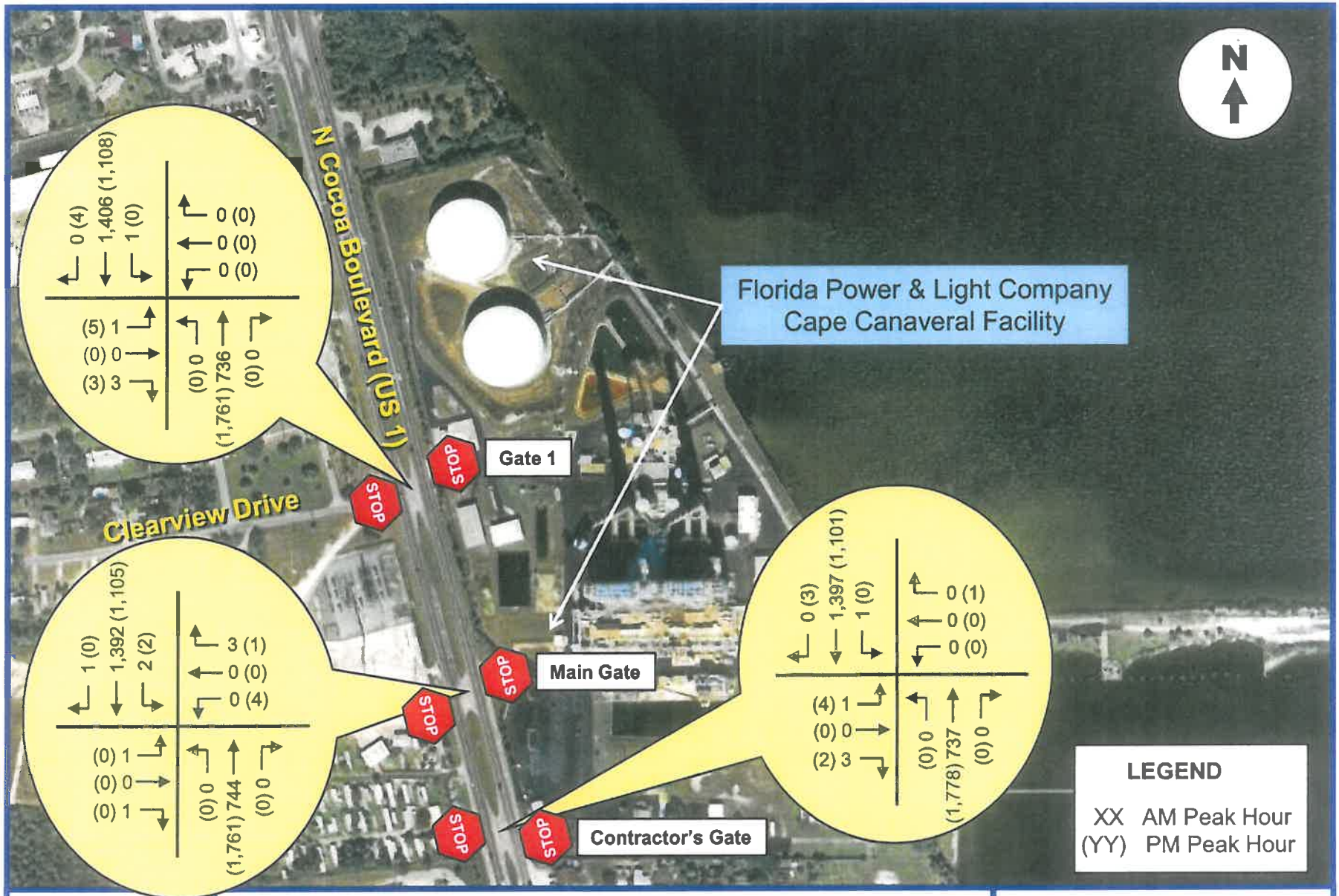
FIGURE 2
FPL Facility
Cape Canaveral, Florida

TRAFFIC COUNTS

Traf Tech Engineering, Inc., in association with KMF Data collected peak period intersection turning movement counts at the three access driveway intersections. The intersection turning movement counts were collected on Tuesday, September 16, 2008 between 7:00 AM and 9:00 AM and from 4:00 PM to 6:00 PM. Figure 3 summarizes the results of the intersection turning movement counts undertaken during the AM and PM peak hours. Appendix A contains the intersection turning movement counts, as collected in the field.

Additionally, three-day machine traffic counts were recorded on US 1 near the main gate. The machine traffic counts were recorded on Tuesday, Wednesday, and Thursday, September 16, 17, and 18, 2008. Appendix B contains the results of the 3-day machine traffic counts. As indicated in Appendix B, the August 2008 daily and peak hour traffic volumes[1] recorded traveling north and south along US 1 in the vicinity of the Cape Canaveral FPL facility are approximately 29,680 vehicles per day (vpd) and 2,813 vehicles peak hour (vph), respectively. Applying FDOT's seasonal factors to the August traffic counts results in approximately 32,351 vpd and 3,066 vph, respectively. The adjusted (seasonal) traffic volumes represent level of service "C" conditions[2] for US 1 near the subject FPL power plant (the acceptable level of service is "D"). Therefore, US 1 in the vicinity of the Cape Canaveral FPL Power Plant has excess capacity to accommodate the additional traffic generated by the construction-related activities associated with this project.

[1] Average of 3-day machine traffic counts conducted on US 1, just north of the Contractor's Gate
[2] Based on FDOT's Generalized Volume Tables for Class I State Two-Way Arterials



Traf Tech
ENGINEERING, INC.

EXISTING TRAFFIC COUNTS
(Tuesday, September 16, 2008)

FIGURE 3
FPL Facility
Cape Canaveral, Florida

TRIP GENERATION

The trip generation during normal plant operation and during the construction phase of the project was determined.

Normal Operation

In order to determine the existing trip generation of the subject utility plant, machine traffic counts were placed at the three access driveways (Gates 1, Main, and Contractor's). The traffic counts were conducted on Tuesday, Wednesday, and Thursday, September 16, 17, and 18, 2008. Attachment C contains the results of the machine traffic counts recorded at the three entrance/exit gates.

Table 1 below documents the existing daily traffic volumes recorded at the three entry gates. As indicated in Table 1, the Cape Canaveral FPL facility is currently generating approximately 57 daily trips. Tables 2 and 3 present the AM and PM peak hour volumes recorded at the three access driveways. The AM and PM peak hour volumes, as recorded in the field, for the existing utility plant are six and six vehicles per hour, respectively.

TABLE 1
Daily Traffic Volumes
Cape Canaveral FPL Facility

	Daily Traffic Volumes			
Gate	**Tue (9/16/08)**	**Wed (9/17/08)**	**Thu (9/18/08)**	**Average**
1	0	0	0	0
Main	37	33	41	37
Contractor's	10	27	22	20
Total	**47**	**60**	**63**	**57**

Source: Traf Tech Engineering, Inc. and KMF Data.

Since the number of employees is anticipated to remain the same, the existing number of trips, as recorded in the field, is not anticipated to increase. Hence, it is concluded that the existing number of daily and peak hour trips will not increase as a result of the conversion project.

TABLE 2
Determination of AM Peak Hour Volume (7-9)
Cape Canaveral FPL Facility

Tuesday, September 16, 2008

Start Time	Gate 1	Main Gate	Contract's	Total 15-min	Total Hourly	Peak Hour
7:00 AM	0	0	1	1		
7:15 AM	0	0	0	0		
7:30 AM	0	1	0	1		
7:45 AM	0	1	0	1	3	7:00 AM - 8:00 AM
8:00 AM	**0**	**1**	**1**	**2**	**4**	**7:15 AM - 8:15 AM**
8:15 AM	0	0	0	0	4	7:30 AM - 8:30 AM
8:30 AM	0	0	0	0	3	7:45 AM - 8:45 AM
8:45 AM	0	1	0	1	3	8:00 AM - 9:00 AM

Wednesday, September 17, 2008

Start Time	Gate 1	Main Gate	Contract's	Total 15-min	Total Hourly	Peak Hour
7:00 AM	0	2	2	4		
7:15 AM	0	0	0	0		
7:30 AM	0	1	0	1		
7:45 AM	**0**	**0**	**0**	**0**	**5**	**7:00 AM - 8:00 AM**
8:00 AM	0	0	2	2	3	7:15 AM - 8:15 AM
8:15 AM	0	0	0	0	3	7:30 AM - 8:30 AM
8:30 AM	0	1	0	1	**3**	7:45 AM - 8:45 AM
8:45 AM	0	0	0	0	3	8:00 AM - 9:00 AM

Thursday, September 18, 2008

Start Time	Gate 1	Main Gate	Contract's	Total 15-min	Total Hourly	Peak Hour
7:00 AM	0	0	1	1		
7:15 AM	0	0	0	0		
7:30 AM	0	2	0	2		
7:45 AM	0	0	1	1	4	7:00 AM - 8:00 AM
8:00 AM	0	1	3	4	7	7:15 AM - 8:15 AM
8:15 AM	0	2	0	2	9	7:30 AM - 8:30 AM
8:30 AM	0	1	0	1	8	7:45 AM - 8:45 AM
8:45 AM	**0**	**1**	**2**	**3**	**10**	**8:00 AM - 9:00 AM**

Average AM Peak Hour Volume	**6**

Source: Traf Tech Engineering, Inc. and KMF Data

TABLE 3
Determination of PM Peak Hour Volume (4-6)
Cape Canaveral FPL Facility

Tuesday, September 16, 2008

Start Time	Gate 1	Main Gate	Contract's	Total 15-min	Hourly	Peak Hour
4:00 PM	0	0	0	0		
4:15 PM	0	1	0	1		
4:30 PM	0	0	0	0		
4:45 PM	0	3	0	3	4	4:00 PM - 5:00 PM
5:00 PM	0	2	2	4	8	4:15 PM - 5:15 PM
5:15 PM	0	0	0	0	7	4:30 PM - 5:30 PM
5:30 PM	**0**	**2**	**0**	**2**	**9**	**4:45 PM - 5:45 PM**
5:45 PM	0	0	0	0	6	5:00 PM - 6:00 PM

Wednesday, September 17, 2008

Start Time	Gate 1	Main Gate	Contract's	Total 15-min	Hourly	Peak Hour
4:00 PM	0	1	0	1		
4:15 PM	0	0	0	0		
4:30 PM	0	0	0	0		
4:45 PM	0	0	0	0	1	4:00 PM - 5:00 PM
5:00 PM	0	0	0	0	0	4:15 PM - 5:15 PM
5:15 PM	0	0	0	0	0	4:30 PM - 5:30 PM
5:30 PM	0	2	2	4	4	4:45 PM - 5:45 PM
5:45 PM	**0**	**1**	**0**	**1**	**5**	**5:00 PM - 6:00 PM**

Thursday, September 18, 2008

Start Time	Gate 1	Main Gate	Contract's	Total 15-min	Hourly	Peak Hour
4:00 PM	0	1	0	1		
4:15 PM	0	0	0	0		
4:30 PM	0	0	2	2		
4:45 PM	**0**	**0**	**0**	**0**	**3**	**4:00 PM - 5:00 PM**
5:00 PM	0	0	0	0	2	4:15 PM - 5:15 PM
5:15 PM	0	0	0	0	2	4:30 PM - 5:30 PM
5:30 PM	0	0	0	0	0	4:45 PM - 5:45 PM
5:45 PM	0	1	2	3	3	5:00 PM - 6:00 PM

Average PM Peak Hour Volume	6

Source: Traf Tech Engineering, Inc. and KMF Data

That is, during normal operation the daily number of trips is projected to be approximately 57 vehicles and the AM and PM peak hour trips are estimated at approximately six and six vehicles per hour, respectively.

Construction Traffic

The construction workforce for the project is expected to average approximately 290 workers. Construction is anticipated to commence in the spring of 2011 and conclude in the summer of 2013. Peak construction is estimated at approximately 650 workers in mid-2012. Assuming an automobile occupancy of 1.3 workers per vehicle, approximately 500 vehicles are anticipated during the peak construction period. That is, 500 inbound vehicles during the AM peak hour and 500 exiting vehicles during the PM peak hour.

For purposes of this traffic study, only the worse construction-period scenario was evaluated (650 workers).

TRIP DISTRIBUTION AND TRAFFIC ASSIGNMENT

The trip distribution and traffic assignment for the project was based on the existing traffic patterns and examination of the surrounding street system located in the immediate vicinity of the project site.

The following traffic assignment was assumed for the subject project:

- 35% to and from the north via US 1
- 65% to and from the south via US 1

In order to assess impacts with a conservative approach, construction traffic parking on-site was assumed to use the Main Gate and vehicles parking at the overflow parking area located on the west side of US 1 were assumed to use Clearview Drive.

TRAFFIC ANALYSIS

This section of the study is divided into two parts. The first part consists of developing the future conditions traffic volumes for the study area for the peak construction period. The second part includes level-of-service analyses for existing conditions and for peak construction traffic conditions.

Future Conditions Traffic Volumes

Future traffic volumes were developed for the year 2012 including peak construction traffic volumes.

In order to develop year 2012 traffic volumes for the peak construction period, two separate analyses were undertaken. The first analysis converts the existing peak hour traffic counts collected in the field during the month of September 2008 to average conditions. Based on FDOT's Peak Season Factor Category report, a factor of 1.09 is required to convert traffic counts collected in the third week of September to average conditions (refer to Appendix D). The second analysis includes a growth factor to project 2008 average traffic volumes to the year 2012. Based on traffic growth data published by the FDOT for two traffic count stations located in the general vicinity[3] of the project site on US 1, traffic has remained relatively constant during the past five years (refer to Appendix D). However, in order to assess impacts with a conservative approach, a 1.0% growth rate, compounded annually, was assumed for the study area. This growth rate, in combination with the seasonal factor of 9%, results in approximately 13% growth in background traffic within the study area for this project.

Additionally, the peak construction traffic documented in the trip generation section of this report was added to the year 2012 background traffic to develop 2012 peak

[3] FDOT Traffic Counter # 403 located on US 1, 0.361 miles north of SR 528/A1A and FDOT Traffic Counter # 384 located on US 1, 0.982 miles south of SR 405.

construction period traffic conditions. The construction traffic was split between two parking areas as follows:

- 200 construction-related vehicles will park on site

- The remaining 300 vehicles will park at the construction laydown area planned to be located on the west side of US 1 near the main gate

The future traffic projections for the study intersections (peak season adjustments, growth rates, and peak construction traffic) are contained in Appendix E. The location of the construction laydown area is also contained in Appendix E.

Level of Service Analyses

Intersection capacity/level of service analyses were performed for the Main Gate driveway on US 1 and for the Clearview Drive intersection. The analyses were undertaken following the capacity/level of service procedures outlined in the Highway Capacity Manual (HCS+ Version 5.2). The results of the capacity analyses are summarized in Tables 4 and 5. The results of the analyses are summarized below:

As indicated in Table 4, the inbound movement (southbound left-turns) at the Main Gate is currently operating adequately and will continue to operate adequately during the peak construction period. Moreover, the storage capacity of the existing southbound left-turn lane is sufficient to accommodate the peak construction traffic during the AM peak hour.

TABLE 4
Cape Canaveral – Peak Construction Period
Intersection Capacity/Level of Service Analyses (Main Gate)

Movement	Existing (2008) Conditions		Future (2012) Volumes w/o Construction Traffic		Future (2012) Volumes w/Construction Traffic	
	Delay	LOS	Delay	LOS	Delay	LOS
SB Left	9.6 (16.7)	A (C)	10.1 (19.8)	B (C)	13.4 (19.8)	B (C)
Exit (WB)	11.3 (66.8)	B (F)	11.9 (111.6)	B (F)	13.1 (999)	B (F)

Source: Highway Capacity Software (HCS+ Version 5.2). LEGEND: AM Peak (PM Peak)

TABLE 5 Cape Canaveral – Peak Construction Period Intersection Capacity/Level of Service Analyses (Clearview Drive)						
	Existing (2008) Conditions		Future (2012) Volumes w/o Construction Traffic		Future (2012) Volumes w/Construction Traffic	
Movement	Delay	LOS	Delay	LOS	Delay	LOS
NB Left	14.2 (11.0)	B (B)	16.3 (11.8)	C (B)	62.3 (11.8)	F (B)
Exit (EB)	24.8 (27.1)	C (D)	30.7 (34.0)	D (D)	999 (676.8)	F (F)

Source: Highway Capacity Software (HCS+ Version 5.2). LEGEND: AM Peak (PM Peak)

Due to the amount of traffic traveling north and south along US 1, the egress movement from the Main Gate is currently experiencing some difficulties to exit the site. During the peak construction period, the delay anticipated by exiting vehicles is projected to be excessive. In order to allow construction traffic to exit the site during the afternoon peak hour, the following improvements should be implemented at the Main Gate:

- Provide traffic control personnel at the Main Gate driveway in order to allow construction traffic to safely exit the site during the afternoon peak period. The traffic control personnel will function as a traffic signal and therefore, the Main Gate driveway is projected to operate adequately.

As indicated in Table 5, the northbound left-turn movement at Clearview Drive is projected to fail during the AM peak hour. Therefore, a separate northbound left-turn lane should be constructed.

Due to the amount of traffic traveling north and south along US 1, the eastbound movement from Clearview Drive is projected to fail with the peak construction traffic. In order to allow construction traffic to enter US 1 from the parking areas located on the west side of the highway, the following improvements should be implemented at the intersection of US 1 and Clearview Drive:

- Construct a separate northbound left-turn lane on US 1 at Clearview Drive

- Construct one eastbound right-turn lane in order to provide two eastbound lanes (one for left-turning vehicles and the other for right-turning traffic) at the intersection of US 1 and Clearview Drive

- Provide traffic control personnel at the intersection of US 1 and Clearview Drive (during the AM and PM peak periods) in order to allow construction traffic to safely enter and exit US 1. The traffic control personnel will function as a traffic signal and therefore, the intersection of US 1 and Clearview Drive is projected to operate adequately.

- Provide a safe pedestrian path from the parking areas (western laydown area) to US 1. A temporary pedestrian crossing should be provided to safely cross US 1 near Clearview Drive. The safety features associated with the subject pedestrian crossing should be coordinated with the Florida Department of Transportation and Brevard County.

Appendix F contains the computer printouts of the intersection capacity analyses.

CONCLUSIONS AND RECOMMENDATIONS

The Cape Canaveral Florida Power & Light (FPL) Power Plant facility is located on the east side of N Cocoa Boulevard (US1) near Clearview Drive in unincorporated Brevard County, Florida. Based on information provided by the Cape Canaveral FPL facility personnel, the current power plant has 46 employees split into four working shifts.

Access to the Cape Canaveral FPL site is provided via three access driveways (Gate 1, Main Gate, and Contractor's Gate) located off of US 1.

Traf Tech Engineering, Inc. was retained by Golder Associates, Inc. to conduct a traffic study associated with the Conversion Project. The Conversion Project will decommission and dismantle the existing utility facility and build a new more energy-efficient facility within the same site. The traffic study evaluated the traffic impacts during the construction phase of the project.

The existing driveways will remain. The number of employees will not increase as a result of the conversion project.

The Cape Canaveral FPL facility is currently generating approximately 57 daily trips, and six vehicles per hour during both the AM and PM peak hours, respectively. Since the number of employees is anticipated to remain the same, the existing number of trips, as recorded in the field, is not anticipated to increase. Hence, it is concluded that the existing number of daily and peak hour trips will not increase as a result of the Conversion project and therefore, no new traffic impacts are created by the subject conversion project.

US 1 in the vicinity of the Cape Canaveral FPL Power Plant has excess capacity to accommodate the additional traffic generated by the construction-related activities associated with this project.

During the construction phase of the project, approximately 500 vehicles are anticipated during the peak construction period. That is, 500 inbound vehicles during the AM peak hour and 500 exiting vehicles during the PM peak hour. During the peak construction work force period, it was assumed that 200 cars will park on site and 300 vehicles will park on the west side of US 1. The traffic mitigation required during the peak construction period is divided into on-site and off-site improvements.

On-Site Improvements

- Provide traffic control personnel at the Main Gate driveway in order to allow construction traffic to safely exit the site during the afternoon peak period. The traffic control personnel will function as a traffic signal and therefore, the Main Gate driveway is projected to operate adequately.

Off-Site Improvements (Western Laydown Area)

- Construct a separate northbound left-turn lane on US 1 at Clearview Drive

- Construct one eastbound right-turn lane in order to provide two eastbound lanes (one for left-turning vehicles and the other for right-turning traffic) at the intersection of US 1 and Clearview Drive

- Provide traffic control personnel at the intersection of US 1 and Clearview Drive (during the AM and PM peak periods) in order to allow construction traffic to safely enter and exit US 1. The traffic control personnel will function as a traffic signal and therefore, the intersection of US 1 and Clearview Drive is projected to operate adequately.

- Provide a safe pedestrian path from the parking areas (western laydown area) to US 1. A temporary pedestrian crossing should be provided to safely cross US 1 near Clearview Drive. The safety features associated with the subject pedestrian crossing should be coordinated with the Florida Department of Transportation and Brevard County.

APPENDIX A

Intersection Turning Movement Counts

KMF DATA LLC

WWW.KMFDATA.COM

TRAFFIC DATA COLLECTION AND ENGINEERING SERVICES

USA East Coast (NJ-FL) and Florida State Wide Services

Voice and Fax (772) 221-7971

Stuart, Florida

Manual Traffic Count - Sept. 16, 2008
US-1 and FPL GATE 1
Cape Canaveral, FL

File Name : GATE 1
Site Code : 08-119
Start Date : 9/16/2008
Page No : 1

Groups Printed- ALL TRAFFIC

	US 1 SOUTHBOUND				GATE 1 WESTBOUND			US 1 NORTHBOUND				CLEARVIEW DR EASTBOUND			
Start Time	Right	Thru	Left	U-TURN	Right	Thru	Left	Right	Thru	Left	U-TURN	Right	Thru	Left	Int. Total
07:00 AM	0	252	2	0	0	0	0	0	139	0	0	0	0	0	393
07:15 AM	0	309	0	0	0	0	0	0	165	0	1	1	0	0	476
07:30 AM	0	413	0	1	0	0	0	0	176	0	0	0	0	1	591
07:45 AM	0	376	0	0	0	0	0	0	212	0	1	0	0	0	589
Total	0	1350	2	1	0	0	0	0	692	0	2	1	0	1	2049
08:00 AM	0	308	1	1	0	0	0	0	183	0	0	2	0	0	495
08:15 AM	0	274	0	2	0	0	0	0	177	0	2	1	0	1	457
08:30 AM	0	256	0	0	0	0	0	0	172	0	0	0	0	0	428
08:45 AM	0	267	0	0	0	0	0	0	207	0	0	0	0	0	474
Total	0	1105	1	3	0	0	0	0	739	0	2	3	0	1	1854
*** BREAK ***															
04:00 PM	0	250	0	1	0	0	0	0	334	0	0	2	0	0	587
04:15 PM	0	268	0	0	0	0	0	0	378	0	0	0	0	0	646
04:30 PM	0	260	0	0	0	0	0	0	367	0	1	0	0	0	628
04:45 PM	0	267	0	0	0	0	0	0	425	0	0	0	0	0	692
Total	0	1045	0	1	0	0	0	0	1504	0	1	2	0	0	2553
05:00 PM	0	280	0	2	0	0	0	0	437	0	0	0	0	1	720
05:15 PM	3	268	0	1	0	0	0	0	449	0	2	1	0	2	726
05:30 PM	0	291	0	1	0	0	0	0	450	0	1	1	0	1	745
05:45 PM	1	269	0	0	0	0	0	0	425	0	1	1	0	1	698
Total	4	1108	0	4	0	0	0	0	1761	0	4	3	0	5	2889
Grand Total	4	4608	3	9	0	0	0	0	4696	0	9	9	0	7	9345
Apprch %	0.1	99.7	0.1	0.2	0	0	0	0	99.8	0	0.2	56.2	0	43.8	
Total %	0	49.3	0	0.1	0	0	0	0	50.3	0	0.1	0.1	0	0.1	

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USA East Coast (NJ-FL) and Florida State Wide Services

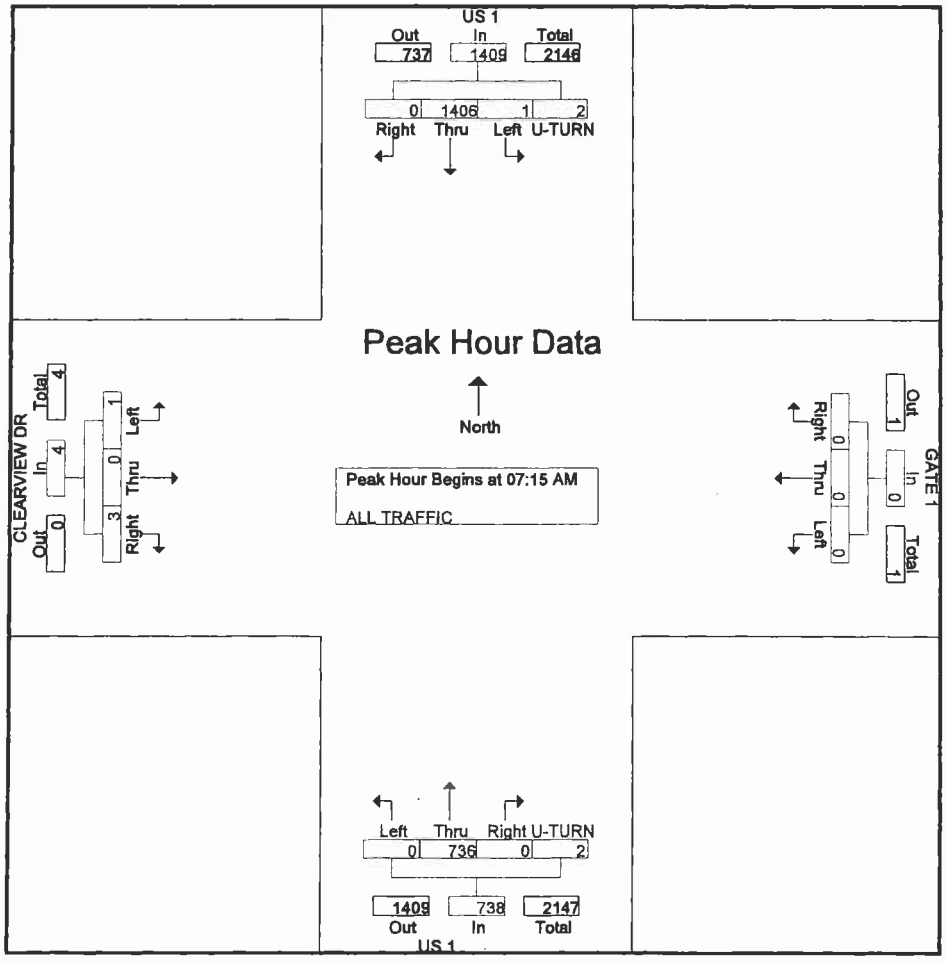
Voice and Fax (772) 221-7971

Stuart, Florida

Manual Traffic Count - Sept. 16, 2008
US-1 and FPL GATE 1
Cape Canaveral, FL

File Name : GATE 1
Site Code : 08-119
Start Date : 9/16/2008
Page No : 2

	US 1 SOUTHBOUND					GATE 1 WESTBOUND				US 1 NORTHBOUND					CLEARVIEW DR EASTBOUND				
Start Time	Right	Thru	Left	U-TURN	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	U-TURN	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 11:45 AM - Peak 1 of 1																			
Peak Hour for Entire Intersection Begins at 07:15 AM																			
07:15 AM	0	309	0	0	309	0	0	0	0	0	165	0	1	166	1	0	0	1	476
07:30 AM	0	413	0	1	414	0	0	0	0	0	176	0	0	176	0	0	1	1	591
07:45 AM	0	376	0	0	376	0	0	0	0	0	212	0	1	213	0	0	0	0	589
08:00 AM	0	308	1	1	310	0	0	0	0	0	183	0	0	183	2	0	0	2	495
Total Volume	0	1406	1	2	1409	0	0	0	0	0	736	0	2	738	3	0	1	4	2151
% App. Total	0	99.8	0.1	0.1		0	0	0		0	99.7	0	0.3		75	0	25		
PHF	.000	.851	.250	.500	.851	.000	.000	.000	.000	.000	.868	.000	.500	.866	.375	.000	.250	.500	.910



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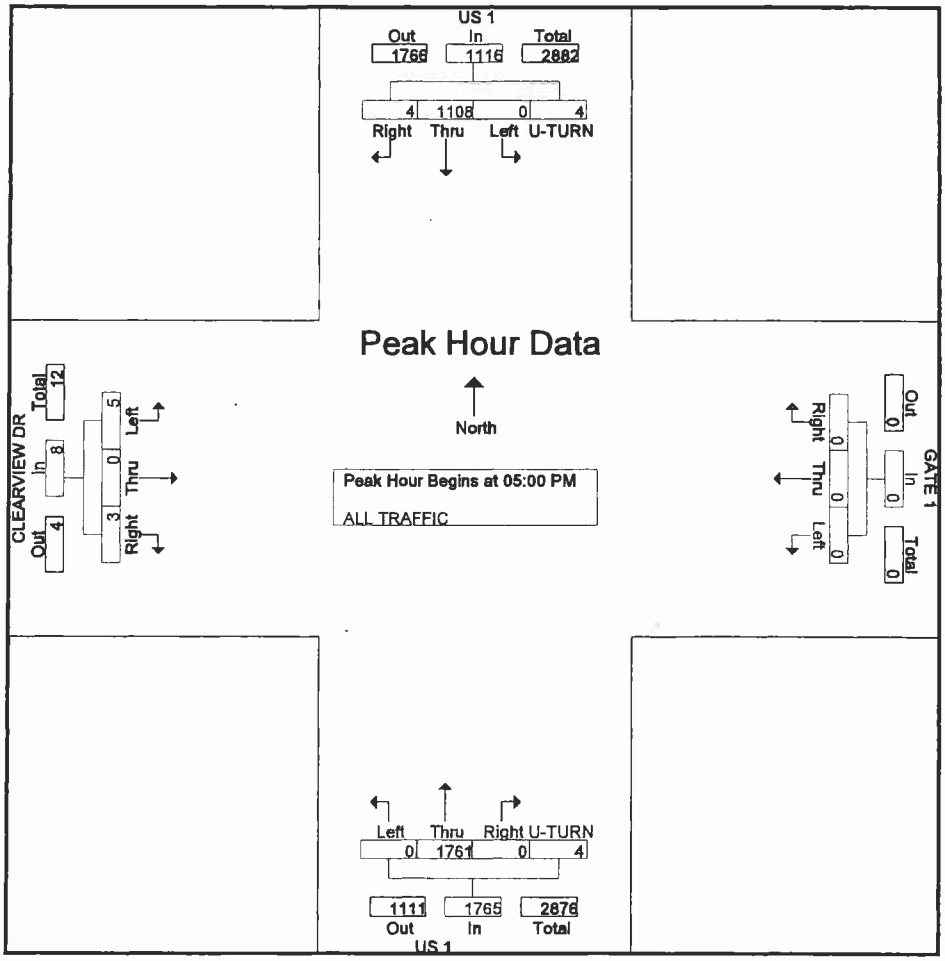
Stuart, Florida

Manual Traffic Count - Sept. 16, 2008
US-1 and FPL GATE 1
Cape Canaveral, FL

File Name : GATE 1
Site Code : 08-119
Start Date : 9/16/2008
Page No : 3

	US 1 SOUTHBOUND					GATE 1 WESTBOUND				US 1 NORTHBOUND					CLEARVIEW DR EASTBOUND				
Start Time	Right	Thru	Left	U-TURN	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	U-TURN	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																			
Peak Hour for Entire Intersection Begins at 05:00 PM																			
05:00 PM	0	280	0	2	282	0	0	0	0	0	437	0	0	437	0	0	1	1	720
05:15 PM	3	268	0	1	272	0	0	0	0	0	449	0	2	451	1	0	2	3	726
05:30 PM	0	291	0	1	292	0	0	0	0	0	450	0	1	451	1	0	1	2	745
05:45 PM	1	269	0	0	270	0	0	0	0	0	425	0	1	426	1	0	1	2	698
Total Volume	4	1108	0	4	1116	0	0	0	0	0	1761	0	4	1765	3	0	5	8	2889
% App. Total	0.4	99.3	0	0.4		0	0	0		0	99.8	0	0.2		37.5	0	62.5		
PHF	.333	.952	.000	.500	.955	.000	.000	.000	.000	.000	.978	.000	.500	.978	.750	.000	.625	.667	.969



END OF REPORT

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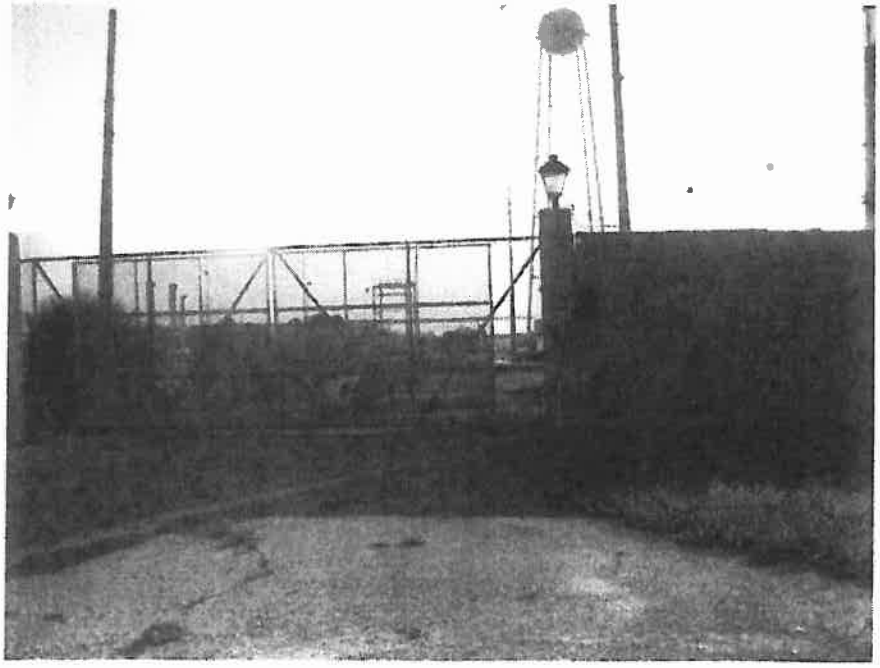
DATA COLLECTION REPORT

Intersection of US-1 and Gate 1

FPL Cape Canaveral Plant

Turning movement count (9-16-08) and ATR (from 9-16-08 to 9-18-08)



US-1 and FPL Cape Canaveral Plant Gate 1 (North Gate)

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TRAFFIC DATA COLLECTION AND ENGINEERING SERVICES
USA East Coast (NJ-FL) and Florida State Wide Services
Voice and Fax (772) 221-7971
Stuart, Florida

Manual Traffic Count - Sept 16, 2008
US-1 and FPL Main Gate
FPL Cape Canaveral, FL

File Name : MAIN GATE
Site Code : 08-119
Start Date : 9/16/2008
Page No : 1

Groups Printed- ALL TRAFFIC

	US 1 SOUTHBOUND				MAIN GATE WESTBOUND			US 1 NORTHBOUND				
Start Time	Right	Thru	Left	U-TURN	Right	Thru	Left	Right	Thru	Left	U-TURN	Int. Total
07:00 AM	0	255	0	0	0	0	0	0	142	0	0	397
07:15 AM	0	318	0	0	0	0	0	0	159	0	0	477
07:30 AM	0	422	1	0	2	0	0	0	191	0	1	617
07:45 AM	0	357	0	1	1	0	0	0	215	0	0	574
Total	0	1352	1	1	3	0	0	0	707	0	1	2065
08:00 AM	1	295	1	0	0	0	0	0	179	0	0	476
08:15 AM	0	275	0	0	1	0	0	1	178	0	1	456
08:30 AM	0	257	2	0	0	0	0	0	171	0	0	430
08:45 AM	0	256	0	0	0	0	0	2	196	0	0	454
Total	1	1083	3	0	1	0	0	3	724	0	1	1816
*** BREAK ***												
04:00 PM	0	254	0	0	0	0	1	0	321	0	0	576
04:15 PM	0	255	3	0	0	0	0	0	394	0	1	653
04:30 PM	0	262	0	1	1	0	1	0	385	0	0	650
04:45 PM	0	269	0	0	0	0	3	0	434	0	0	706
Total	0	1040	3	1	1	0	5	0	1534	0	1	2585
05:00 PM	0	268	1	1	1	0	0	0	402	0	1	674
05:15 PM	0	272	0	0	0	0	0	0	480	0	0	752
05:30 PM	0	296	1	0	0	0	1	0	445	0	2	745
05:45 PM	0	249	1	0	0	0	0	0	335	0	0	585
Total	0	1085	3	1	1	0	1	0	1662	0	3	2756
Grand Total	1	4560	10	3	6	0	6	3	4627	0	6	9222
Apprch %	0	99.7	0.2	0.1	50	0	50	0.1	99.8	0	0.1	
Total %	0	49.4	0.1	0	0.1	0	0.1	0	50.2	0	0.1	

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USA East Coast (NJ-FL) and Florida State Wide Services

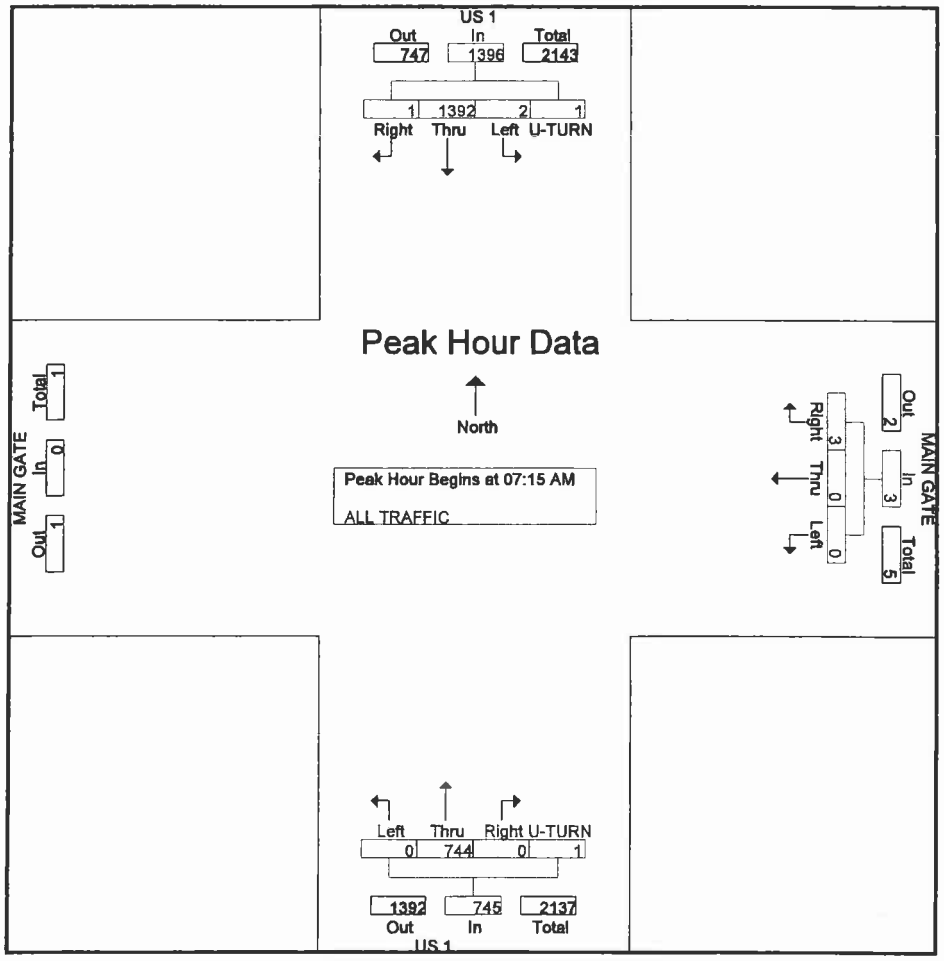
Voice and Fax (772) 221-7971

Stuart, Florida

Manual Traffic Count - Sept 16, 2008
US-1 and FPL Main Gate
FPL Cape Canaveral, FL

File Name : MAIN GATE
Site Code : 08-119
Start Date : 9/16/2008

	US 1 SOUTHBOUND					MAIN GATE WESTBOUND				US 1 NORTHBOUND					
Start Time	Right	Thru	Left	U-TURN	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	U-TURN	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1															
Peak Hour for Entire Intersection Begins at 07:15 AM															
07:15 AM	0	318	0	0	318	0	0	0	0	0	159	0	0	159	477
07:30 AM	0	422	1	0	423	2	0	0	2	0	191	0	1	192	617
07:45 AM	0	357	0	1	358	1	0	0	1	0	215	0	0	215	574
08:00 AM	1	295	1	0	297	0	0	0	0	0	179	0	0	179	476
Total Volume	1	1392	2	1	1396	3	0	0	3	0	744	0	1	745	2144
% App. Total	0.1	99.7	0.1	0.1		100	0	0		0	99.9	0	0.1		
PHF	.250	.825	.500	.250	.825	.375	.000	.000	.375	.000	.865	.000	.250	.866	.869



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USA East Coast (NJ-FL) and Florida State Wide Services

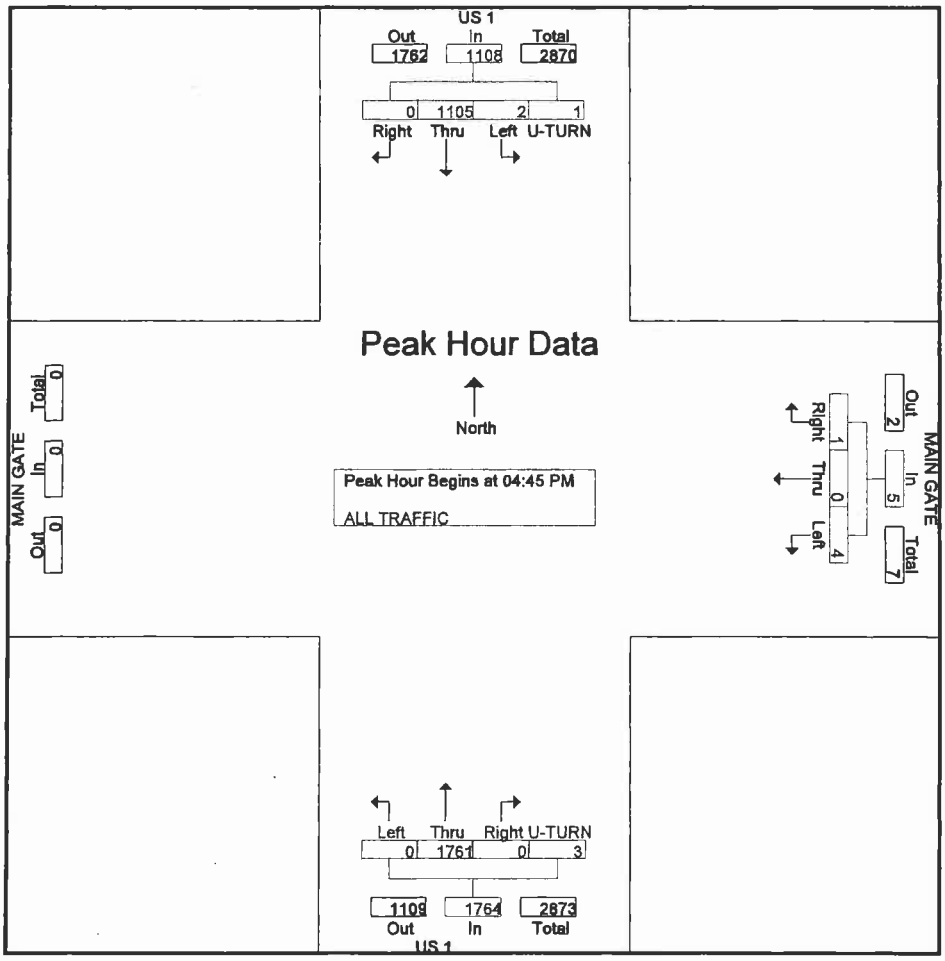
Voice and Fax (772) 221-7971

Stuart, Florida

Manual Traffic Count - Sept 16, 2008
US-1 and FPL Main Gate
FPL Cape Canaveral, FL

File Name : MAIN GATE
Site Code : 08-119
Start Date : 9/16/2008

	US 1 SOUTHBOUND					MAIN GATE WESTBOUND				US 1 NORTHBOUND					
Start Time	Right	Thru	Left	U-TURN	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	U-TURN	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1															
Peak Hour for Entire Intersection Begins at 04:45 PM															
04:45 PM	0	269	0	0	269	0	0	3	3	0	434	0	0	434	706
05:00 PM	0	268	1	1	270	1	0	0	1	0	402	0	1	403	674
05:15 PM	0	272	0	0	272	0	0	0	0	0	480	0	0	480	752
05:30 PM	0	296	1	0	297	0	0	1	1	0	445	0	2	447	745
Total Volume	0	1105	2	1	1108	1	0	4	5	0	1761	0	3	1764	2877
% App. Total	0	99.7	0.2	0.1		20	0	80		0	99.8	0	0.2		
PHF	.000	.933	.500	.250	.933	.250	.000	.333	.417	.000	.917	.000	.375	.919	.956



END OF REPORT

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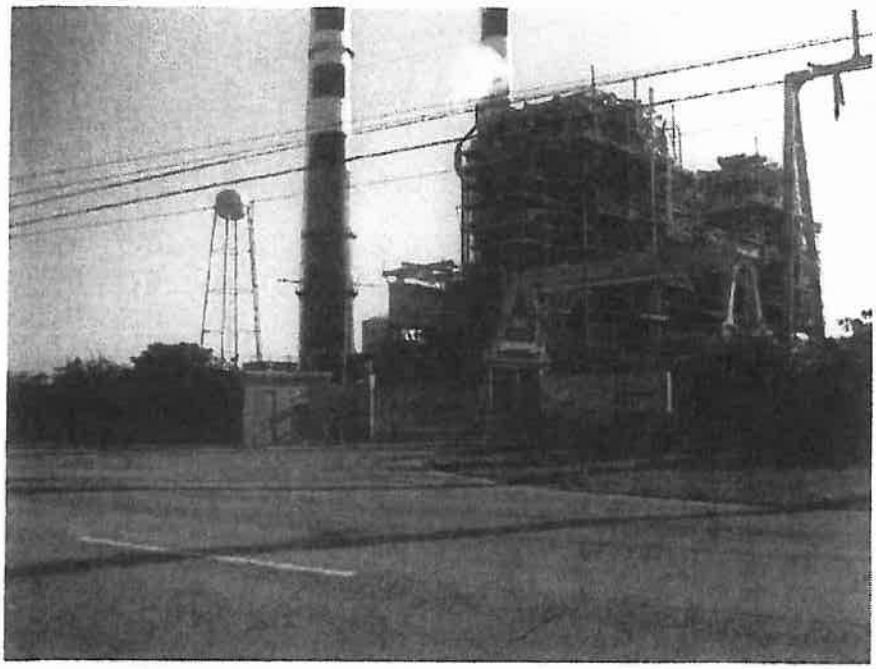
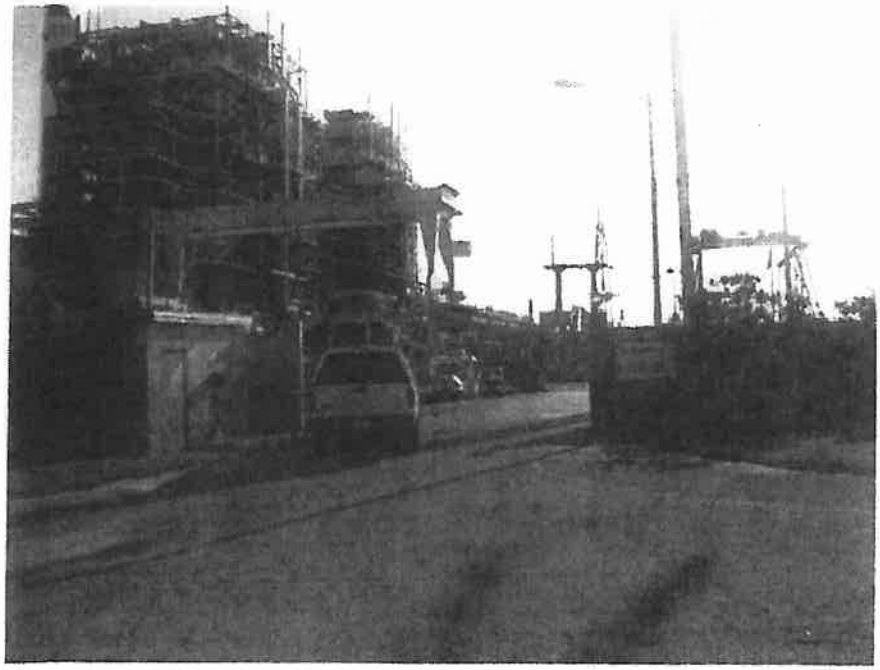
DATA COLLECTION REPORT

Intersection of US-1 and Main Gate
FPL Cape Canaveral Plant

Turning movement count (9-16-08) and ATR (from 9-16-08 to 9-18-08)





US-1 and FPL Cape Canaveral Plant Main Gate

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USA East Coast (NJ-FL) and Florida State Wide Services
Voice and Fax (772) 221-7971
Stuart, Florida

Manual Traffic Count - Sept 16, 2008
US-1 and FPL CONTRACTOR GATE
Cape Canaveral, FL

File Name : cont gate
Site Code : 08-119
Start Date : 9/16/2008

Groups Printed- ALL TRAFFIC

	US 1 SOUTHBOUND				CONTRACTOR WESTBOUND			US 1 NORTHBOUND				TRAILER PARK EASTBOUND			
Start Time	Right	Thru	Left	U-TURN	Right	Thru	Left	Right	Thru	Left	U-TURN	Right	Thru	Left	Int. Total
07:00 AM	0	252	2	0	0	0	0	0	139	0	0	0	0	0	393
07:15 AM	0	311	0	0	0	0	0	0	157	0	0	1	0	0	469
07:30 AM	0	415	0	1	0	0	0	0	186	0	0	0	0	1	603
07:45 AM	0	367	0	0	0	0	0	0	214	0	0	0	0	0	581
Total	0	1345	2	1	0	0	0	0	696	0	0	1	0	1	2046
08:00 AM	0	304	1	1	0	0	0	0	180	0	0	2	0	0	488
08:15 AM	0	274	0	2	0	0	0	0	177	0	0	1	0	1	455
08:30 AM	0	256	0	0	0	0	0	0	172	0	0	0	0	0	428
08:45 AM	0	267	0	0	0	0	0	0	207	0	0	0	0	0	474
Total	0	1101	1	3	0	0	0	0	736	0	0	3	0	1	1845
*** BREAK ***															
04:00 PM	0	250	0	1	0	0	0	0	320	0	0	2	0	0	573
04:15 PM	0	268	0	0	0	0	0	0	385	0	0	0	0	0	653
04:30 PM	0	260	0	0	0	0	0	0	389	0	0	0	0	0	649
04:45 PM	0	269	0	0	0	0	0	0	434	0	0	0	0	0	703
Total	0	1047	0	1	0	0	0	0	1528	0	0	2	0	0	2578
05:00 PM	0	270	0	2	1	0	0	0	435	0	0	0	0	1	709
05:15 PM	3	269	0	1	0	0	0	0	457	0	0	1	0	2	733
05:30 PM	0	293	0	1	0	0	0	0	452	0	0	1	0	1	748
05:45 PM	1	269	0	0	2	0	0	0	425	0	1	1	0	1	700
Total	4	1101	0	4	3	0	0	0	1769	0	1	3	0	5	2890
Grand Total	4	4594	3	9	3	0	0	0	4729	0	1	9	0	7	9359
Apprch %	0.1	99.7	0.1	0.2	100	0	0	0	100	0	0	56.2	0	43.8	
Total %	0	49.1	0	0.1	0	0	0	0	50.5	0	0	0.1	0	0.1	

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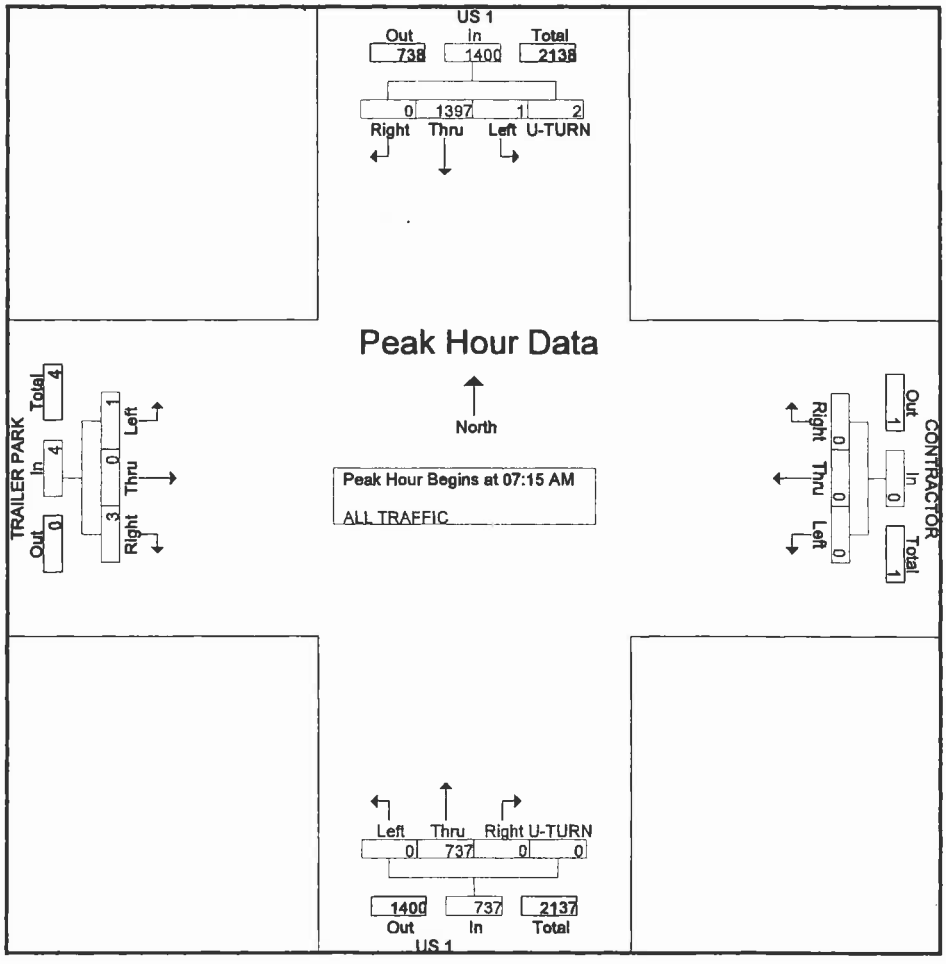
TRAFFIC DATA COLLECTION AND ENGINEERING SERVICES
USA East Coast (NJ-FL) and Florida State Wide Services
Voice and Fax (772) 221-7971
Stuart, Florida

File Name : cont gate
Site Code : 08-119
Start Date : 9/16/2008
Page No : 2

Manual Traffic Count - Sept 16, 2008
US-1 and FPL CONTRACTOR GATE
Cape Canaveral, FL

	US 1 SOUTHBOUND					CONTRACTOR WESTBOUND				US 1 NORTHBOUND					TRAILER PARK EASTBOUND				
Start Time	Right	Thru	Left	U-TURN	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	U-TURN	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 11:45 AM - Peak 1 of 1																			
Peak Hour for Entire Intersection Begins at 07:15 AM																			
07:15 AM	0	311	0	0	311	0	0	0	0	0	157	0	0	157	1	0	0	1	469
07:30 AM	0	415	0	1	416	0	0	0	0	0	186	0	0	186	0	0	1	1	603
07:45 AM	0	367	0	0	367	0	0	0	0	0	214	0	0	214	0	0	0	0	581
08:00 AM	0	304	1	1	306	0	0	0	0	0	180	0	0	180	2	0	0	2	488
Total Volume	0	1397	1	2	1400	0	0	0	0	0	737	0	0	737	3	0	1	4	2141
% App. Total	0	99.8	0.1	0.1		0	0	0		0	100	0	0		75	0	25		
PHF	.000	.842	.250	.500	.841	.000	.000	.000	.000	.000	.861	.000	.000	.861	.375	.000	.250	.500	.888



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USA East Coast (NJ-FL) and Florida State Wide Services

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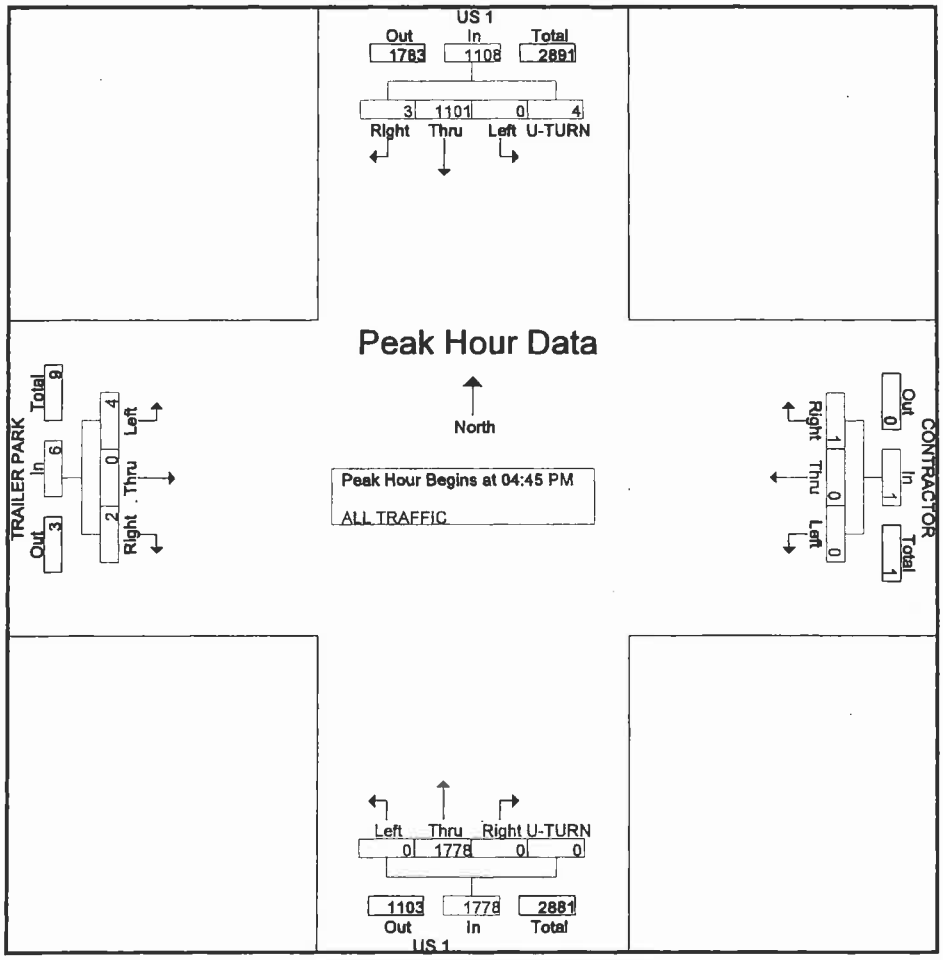
Stuart, Florida

Manual Traffic Count - Sept 16, 2008
US-1 and FPL CONTRACTOR GATE
Cape Canaveral, FL

File Name : cont gate
Site Code : 08-119
Start Date : 9/16/2008
Page No : 3

	US 1 SOUTHBOUND					CONTRACTOR WESTBOUND				US 1 NORTHBOUND					TRAILER PARK EASTBOUND				
Start Time	Right	Thru	Left	U-TURN	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	U-TURN	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																			
Peak Hour for Entire Intersection Begins at 04:45 PM																			
04:45 PM	0	269	0	0	269	0	0	0	0	0	434	0	0	434	0	0	0	0	703
05:00 PM	0	270	0	2	272	1	0	0	1	0	435	0	0	435	0	0	1	1	709
05:15 PM	3	269	0	1	273	0	0	0	0	0	457	0	0	457	1	0	2	3	733
05:30 PM	0	293	0	1	294	0	0	0	0	0	452	0	0	452	1	0	1	2	748
Total Volume	3	1101	0	4	1108	1	0	0	1	0	1778	0	0	1778	2	0	4	6	2893
% App. Total	0.3	99.4	0	0.4		100	0	0		0	100	0	0		33.3	0	66.7		
PHF	.250	.939	.000	.500	.942	.250	.000	.000	.250	.000	.973	.000	.000	.973	.500	.000	.500	.500	.967



END OF REPORT

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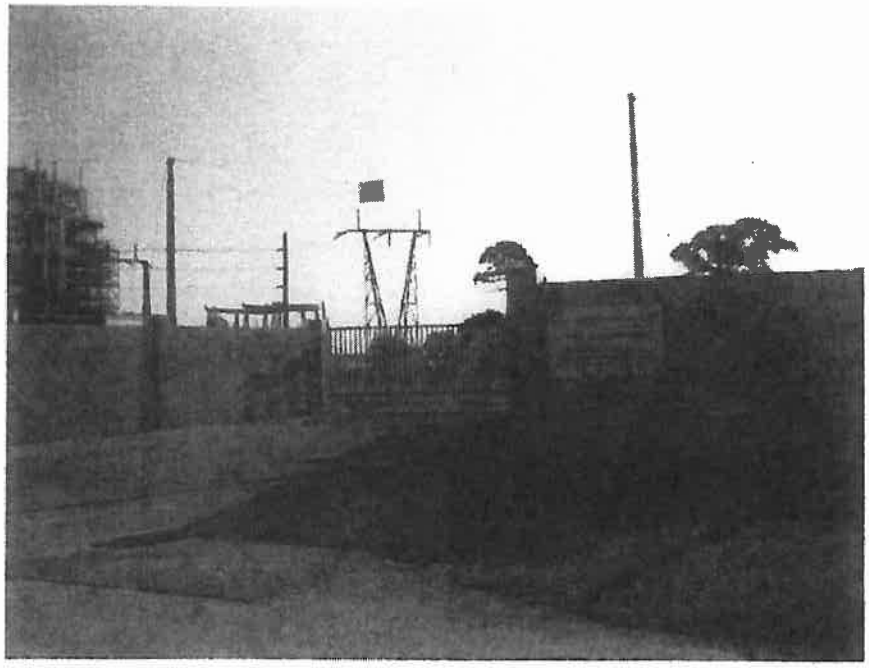
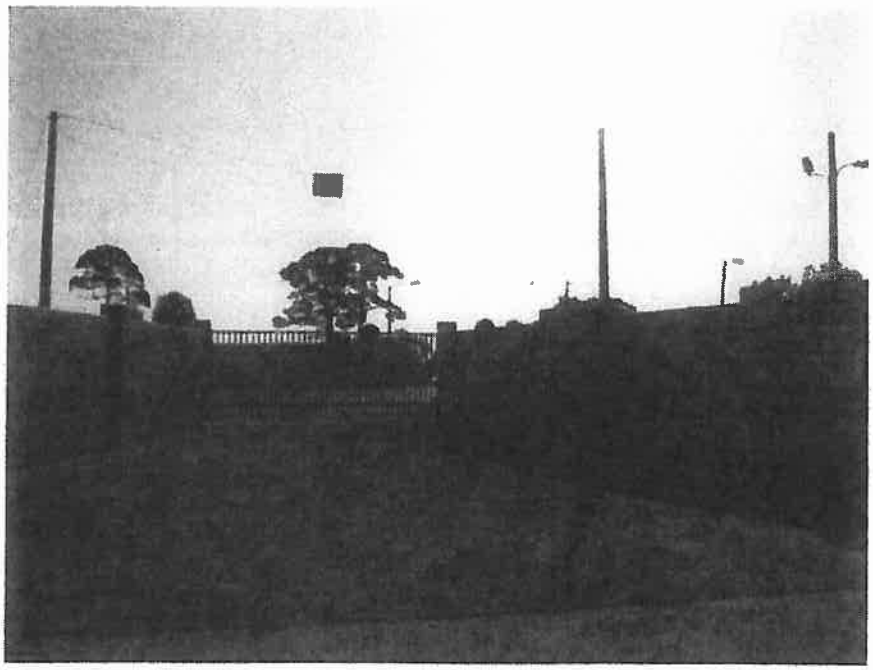
DATA COLLECTION REPORT

Intersection of US-1 and Contractor Gate
FPL Cape Canaveral Plant

Turning movement count (9-16-08) and ATR (from 9-16-08 to 9-18-08)





US-1 and FPL Cape Canaveral Plant Contractor Gate (South Gate)

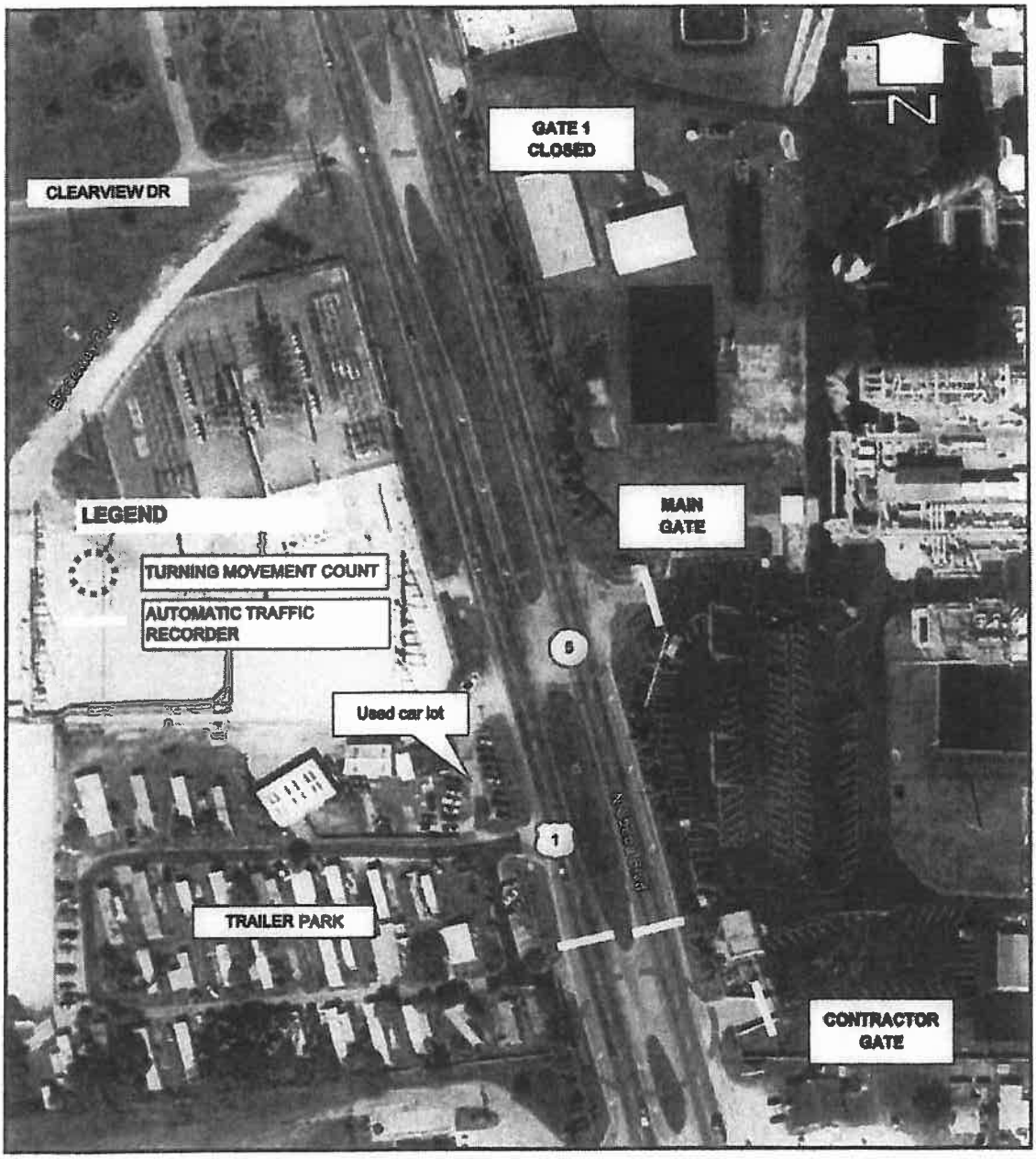
APPENDIX B

Machine Traffic Counts

KMF DATA LLC
Stuart, FL Voice and Fax (772) 221-7971
Serving Florida State Wide and the East Coast (NJ-FL)

FPL CAPE CANAVERAL, FL

Turning Movement Count 9-16-08 and ATR from 9-16-08 to 9-18-08



KMF DATA LLC

1669 SW College Street, Stuart, FL, USA 34997
Voice and Fax 772-221-7971

US-1 (FPL Cape Canavral Plant)
Automatic Traffic Recorder
From 09/16/08 to 09/16/08
Location: 50' North of Contractor Gate

Site Code: 08-119

Start Time	16-Sep-08 Tue	US1 NB	US1 SB	Total
12:00 AM		17	23	40
12:15		31	15	46
12:30		20	16	36
12:45		18	10	28
01:00		22	10	32
01:15		12	6	18
01:30		8	7	15
01:45		14	10	24
02:00		13	12	25
02:15		7	8	15
02:30		9	6	15
02:45		9	16	25
03:00		6	8	14
03:15		8	4	12
03:30		10	16	26
03:45		6	12	18
04:00		8	16	24
04:15		14	17	31
04:30		17	32	49
04:45		28	41	69
05:00		23	55	78
05:15		40	76	116
05:30		48	118	166
05:45		55	102	157
06:00		77	144	221
06:15		96	216	312
06:30		139	250	389
06:45		137	242	379
07:00		130	244	374
07:15		160	**328**	**488**
07:30		194	**426**	**620**
07:45		204	**350**	**554**
08:00		192	**297**	**489**
08:15		172	270	442
08:30		182	270	452
08:45		187	254	441
09:00		180	228	408
09:15		170	205	375
09:30		152	234	386
09:45		173	208	381
10:00		170	208	378
10:15		187	235	422
10:30		196	228	424
10:45		162	182	344
11:00		**222**	196	418
11:15		**172**	214	386
11:30		**178**	179	357
11:45		**200**	226	426
Total		4475	6470	10945
Percent		40.9%	59.1%	
Peak		11:00	07:15	07:15
Vol.		772	1401	2151
P.H.F.		0.869	0.822	0.867

KMF DATA LLC

1669 SW College Street, Stuart, FL, USA 34997
Voice and Fax 772-221-7971

US-1 (FPL Cape Canavral Plant)
Automatic Traffic Recorder
From 09/16/08 to 09/16/08
Location: 50' North of Contractor Gate

Site Code: 08-119

Start Time	16-Sep-08 Tue	US1 NB	US1 SB	Total
12:00 PM		246	224	470
12:15		251	216	467
12:30		238	236	474
12:45		228	203	431
01:00		222	196	418
01:15		192	206	398
01:30		204	201	405
01:45		232	192	424
02:00		200	207	407
02:15		225	231	456
02:30		242	243	485
02:45		236	218	454
03:00		266	208	474
03:15		260	242	502
03:30		284	270	554
03:45		310	290	600
04:00		332	248	580
04:15		354	275	629
04:30		400	260	660
04:45		402	258	660
05:00		420	292	712
05:15		486	272	758
05:30		390	298	688
05:45		324	257	581
06:00		272	210	482
06:15		281	220	501
06:30		242	176	418
06:45		212	171	383
07:00		196	148	344
07:15		150	162	312
07:30		154	131	285
07:45		172	114	286
08:00		155	124	279
08:15		178	102	280
08:30		127	115	242
08:45		133	79	212
09:00		120	86	206
09:15		108	81	189
09:30		118	61	179
09:45		94	56	150
10:00		62	54	116
10:15		62	50	112
10:30		56	35	91
10:45		64	26	90
11:00		48	30	78
11:15		52	26	78
11:30		40	30	70
11:45		25	26	51
Total		10065	8056	18121
Percent		55.5%	44.5%	
Peak		16:30	16:45	16:45
Vol.		1708	1120	2818
P.H.F.		0.879	0.940	0.929

KMF DATA LLC

1669 SW College Street, Stuart, FL, USA 34997
Voice and Fax 772-221-7971

US-1 (FPL Cape Canavral Plant)
Automatic Traffic Recorder
From 09/16/08 to 09/16/08
Location: 50' North of Contractor Gate

Site Code: 08-119

Start Time	17-Sep-08 Wed	US1 NB	US1 SB	Total
12:00 AM		33	17	50
12:15		32	16	48
12:30		18	12	30
12:45		16	12	28
01:00		12	15	27
01:15		18	12	30
01:30		17	6	23
01:45		14	8	22
02:00		16	8	24
02:15		18	6	24
02:30		15	12	27
02:45		10	8	18
03:00		5	7	12
03:15		10	10	20
03:30		7	16	23
03:45		12	16	28
04:00		10	12	22
04:15		11	24	35
04:30		20	40	60
04:45		16	36	52
05:00		24	50	74
05:15		40	84	124
05:30		50	110	160
05:45		54	115	169
06:00		78	144	222
06:15		126	202	328
06:30		118	273	391
06:45		148	252	400
07:00		138	250	388
07:15		157	324	481
07:30		231	**448**	**679**
07:45		187	**372**	**559**
08:00		192	**296**	**488**
08:15		169	**348**	**517**
08:30		188	273	461
08:45		196	240	436
09:00		190	235	425
09:15		178	257	435
09:30		172	272	444
09:45		172	234	406
10:00		200	236	436
10:15		183	232	415
10:30		210	212	422
10:45		185	281	466
11:00		**176**	193	369
11:15		**187**	202	389
11:30		**228**	256	484
11:45		**246**	215	461
Total		4733	6899	11632
Percent		40.7%	59.3%	
Peak		11:00	07:30	07:30
Vol.		837	1464	2243
P.H.F.		0.851	0.817	0.826

KMF DATA LLC

1669 SW College Street, Stuart, FL, USA 34997
Voice and Fax 772-221-7971

US-1 (FPL Cape Canavral Plant)
Automatic Traffic Recorder
From 09/16/08 to 09/16/08
Location: 50' North of Contractor Gate

Site Code: 08-119

Start Time	17-Sep-08 Wed	US1 NB	US1 SB	Total
12:00 PM		254	225	479
12:15		237	248	485
12:30		226	220	446
12:45		208	218	426
01:00		195	189	384
01:15		226	212	438
01:30		216	210	426
01:45		250	196	446
02:00		204	242	446
02:15		266	246	512
02:30		225	222	447
02:45		248	220	468
03:00		258	228	486
03:15		258	238	496
03:30		342	272	614
03:45		336	273	609
04:00		315	264	579
04:15		344	266	610
04:30		380	264	644
04:45		385	272	657
05:00		394	271	665
05:15		506	305	811
05:30		384	279	663
05:45		350	271	621
06:00		302	226	528
06:15		295	220	515
06:30		223	178	401
06:45		214	187	401
07:00		176	125	301
07:15		159	132	291
07:30		154	126	280
07:45		160	131	291
08:00		170	118	288
08:15		155	100	255
08:30		128	98	226
08:45		153	96	249
09:00		129	73	202
09:15		118	68	186
09:30		82	58	140
09:45		61	49	110
10:00		56	46	102
10:15		68	52	120
10:30		62	32	94
10:45		56	30	86
11:00		52	32	84
11:15		44	24	68
11:30		41	26	67
11:45		38	24	62
Total		10103	8102	18205
Percent		55.5%	44.5%	
Peak		16:45	16:45	16:45
Vol.		1669	1127	2796
P.H.F.		0.825	0.924	0.862

KMF DATA LLC

1669 SW College Street, Stuart, FL, USA 34997
Voice and Fax 772-221-7971

US-1 (FPL Cape Canavral Plant)
Automatic Traffic Recorder
From 09/16/08 to 09/16/08
Location: 50' North of Contractor Gate

Site Code: 08-119

Start Time	18-Sep-08 Thu	US1 NB	US1 SB	Total
12:00 AM		37	22	59
12:15		39	22	61
12:30		26	14	40
12:45		20	17	37
01:00		24	16	40
01:15		18	15	33
01:30		15	11	26
01:45		17	10	27
02:00		16	10	26
02:15		14	6	20
02:30		14	8	22
02:45		10	9	19
03:00		5	8	13
03:15		10	14	24
03:30		8	8	16
03:45		10	14	24
04:00		6	22	28
04:15		14	24	38
04:30		19	33	52
04:45		18	50	68
05:00		20	54	74
05:15		36	92	128
05:30		58	116	174
05:45		51	130	181
06:00		77	135	212
06:15		120	212	332
06:30		124	230	354
06:45		134	242	376
07:00		130	258	388
07:15		156	**323**	**479**
07:30		**192**	**433**	**625**
07:45		**204**	**395**	**599**
08:00		**199**	**324**	**523**
08:15		**182**	278	460
08:30		180	249	429
08:45		186	228	414
09:00		185	231	416
09:15		185	217	402
09:30		171	240	411
09:45		179	196	375
10:00		163	180	343
10:15		175	224	399
10:30		170	191	361
10:45		180	216	396
11:00		194	213	407
11:15		196	222	418
11:30		184	239	423
11:45		186	220	406
Total		4557	6621	11178
Percent		40.8%	59.2%	
Peak		07:30	07:15	07:15
Vol.		777	1475	2226
P.H.F.		0.952	0.852	0.890

KMF DATA LLC

1669 SW College Street, Stuart, FL, USA 34997
Voice and Fax 772-221-7971

US-1 (FPL Cape Canavral Plant)
Automatic Traffic Recorder
From 09/16/08 to 09/16/08
Location: 50' North of Contractor Gate

Site Code: 08-119

Start Time	18-Sep-08 Thu	US1 NB	US1 SB	Total
12:00 PM		214	230	444
12:15		255	240	495
12:30		200	220	420
12:45		238	238	476
01:00		222	220	442
01:15		232	224	456
01:30		206	204	410
01:45		244	202	446
02:00		272	194	466
02:15		269	254	523
02:30		233	210	443
02:45		254	216	470
03:00		248	248	496
03:15		280	231	511
03:30		332	270	602
03:45		363	285	648
04:00		334	282	616
04:15		349	287	636
04:30		364	280	644
04:45		400	260	660
05:00		406	306	712
05:15		429	294	723
05:30		394	336	730
05:45		331	271	602
06:00		262	232	494
06:15		246	251	497
06:30		213	188	401
06:45		224	183	407
07:00		196	168	364
07:15		199	135	334
07:30		210	126	336
07:45		204	134	338
08:00		194	96	290
08:15		172	121	293
08:30		188	90	278
08:45		148	95	243
09:00		148	98	246
09:15		138	88	226
09:30		122	70	192
09:45		88	67	155
10:00		89	50	139
10:15		72	58	130
10:30		59	41	100
10:45		62	44	106
11:00		58	30	88
11:15		48	38	86
11:30		42	28	70
11:45		48	29	77
Total		10499	8462	18961
Percent		55.4%	44.6%	
Peak		16:45	17:00	16:45
Vol.		1629	1207	2825
P.H.F.		0.949	0.898	0.967
Total		44432	44610	89042
Percent		49.9%	50.1%	
ADT		ADT 30,295	AADT 30,295	

APPENDIX C

Driveway Counts

KMF DATA LLC

1669 SW College Street, Stuart, FL, USA 34997
Voice and Fax 772-221-7971

Site Code: 08-119

Main Gate (FPL Cape Canaveral Plant
Automatic Traffic Recorder
From 09/16/08 to 09/18/08
Location outside of Main Gate

Start Time	16-Sep-08 Tue	INBOUND	OUTBOUN	Total
12:00 AM		0	0	0
12:15		0	0	0
12:30		1	0	1
12:45		0	0	0
01:00		0	0	0
01:15		0	0	0
01:30		0	0	0
01:45		0	0	0
02:00		0	0	0
02:15		0	0	0
02:30		0	0	0
02:45		0	0	0
03:00		0	0	0
03:15		0	0	0
03:30		0	0	0
03:45		0	0	0
04:00		0	0	0
04:15		0	0	0
04:30		0	0	0
04:45		0	0	0
05:00		0	0	0
05:15		0	0	0
05:30		0	0	0
05:45		1	0	1
06:00		0	1	1
06:15		0	1	1
06:30		2	2	4
06:45		0	2	2
07:00		0	0	0
07:15		0	0	0
07:30		1	0	1
07:45		0	1	1
08:00		1	0	1
08:15		0	0	0
08:30		0	0	0
08:45		0	1	1
09:00		0	0	0
09:15		0	0	0
09:30		0	1	1
09:45		0	0	0
10:00		0	0	0
10:15		1	0	1
10:30		1	0	1
10:45		0	1	1
11:00		0	0	0
11:15		0	0	0
11:30		1	0	1
11:45		0	1	1
Total		9	11	20
Percent		45.0%	55.0%	
Peak		05:45	06:00	06:00
Vol.		3	6	8
P.H.F.		0.375	0.750	0.500

KMF DATA LLC

1669 SW College Street, Stuart, FL, USA 34997
Voice and Fax 772-221-7971

Main Gate (FPL Cape Canaveral Plant
Automatic Traffic Recorder
From 09/16/08 to 09/18/08
Location outside of Main Gate

Site Code: 08-119

Start Time	16-Sep-08 Tue	INBOUND	OUTBOUN	Total
12:00 PM		0	0	0
12:15		1	0	1
12:30		0	0	0
12:45		0	0	0
01:00		0	0	0
01:15		0	0	0
01:30		1	0	1
01:45		0	0	0
02:00		0	0	0
02:15		0	0	0
02:30		0	0	0
02:45		0	0	0
03:00		0	0	0
03:15		0	0	0
03:30		2	0	2
03:45		0	0	0
04:00		0	0	0
04:15		1	0	1
04:30		0	0	0
04:45		0	3	3
05:00		1	1	2
05:15		0	0	0
05:30		1	1	2
05:45		0	0	0
06:00		0	1	1
06:15		0	0	0
06:30		0	1	1
06:45		0	0	0
07:00		0	1	1
07:15		0	0	0
07:30		0	0	0
07:45		0	0	0
08:00		0	0	0
08:15		0	0	0
08:30		0	0	0
08:45		0	0	0
09:00		0	0	0
09:15		0	0	0
09:30		0	0	0
09:45		0	2	2
10:00		0	0	0
10:15		0	0	0
10:30		0	0	0
10:45		0	0	0
11:00		0	0	0
11:15		0	0	0
11:30		0	0	0
11:45		0	0	0
Total		7	10	17
Percent		41.2%	58.8%	
Peak		15:30	16:45	16:45
Vol.		3	5	7
P.H.F.		0.375	0.417	0.583

KMF DATA LLC

1669 SW College Street, Stuart, FL, USA 34997
Voice and Fax 772-221-7971

Main Gate (FPL Cape Canaveral Plant
Automatic Traffic Recorder
From 09/16/08 to 09/18/08
Location outside of Main Gate

Site Code: 08-119

Start Time	17-Sep-08 Wed	INBOUND	OUTBOUN	Total
12:00 AM		0	0	0
12:15		0	0	0
12:30		0	0	0
12:45		0	0	0
01:00		0	0	0
01:15		0	0	0
01:30		0	0	0
01:45		0	0	0
02:00		0	0	0
02:15		0	0	0
02:30		0	0	0
02:45		0	0	0
03:00		0	0	0
03:15		0	0	0
03:30		0	0	0
03:45		0	0	0
04:00		0	0	0
04:15		0	0	0
04:30		0	0	0
04:45		0	0	0
05:00		0	0	0
05:15		0	0	0
05:30		0	0	0
05:45		0	0	0
06:00		1	0	1
06:15		2	2	4
06:30		0	3	3
06:45		1	1	2
07:00		1	1	2
07:15		0	0	0
07:30		1	0	1
07:45		0	0	0
08:00		0	0	0
08:15		0	0	0
08:30		0	1	1
08:45		0	0	0
09:00		1	0	1
09:15		0	0	0
09:30		0	0	0
09:45		0	0	0
10:00		1	0	1
10:15		0	0	0
10:30		0	0	0
10:45		0	1	1
11:00		0	0	0
11:15		0	0	0
11:30		0	1	1
11:45		2	1	3
Total		10	11	21
Percent		47.6%	52.4%	
Peak		06:00	06:15	06:15
Vol.		4	7	11
P.H.F.		0.500	0.583	0.688

KMF DATA LLC

1669 SW College Street, Stuart, FL, USA 34997
Voice and Fax 772-221-7971

Main Gate (FPL Cape Canaveral Plant
Automatic Traffic Recorder
From 09/16/08 to 09/18/08
Location outside of Main Gate

Site Code: 08-119

Start Time	17-Sep-08 Wed	INBOUND	OUTBOUN	Total
12:00 PM		1	0	1
12:15		0	0	0
12:30		0	0	0
12:45		1	0	1
01:00		0	0	0
01:15		1	1	2
01:30		0	0	0
01:45		0	0	0
02:00		0	0	0
02:15		0	0	0
02:30		0	0	0
02:45		0	0	0
03:00		0	0	0
03:15		0	0	0
03:30		0	1	1
03:45		0	0	0
04:00		0	1	1
04:15		0	0	0
04:30		0	0	0
04:45		0	0	0
05:00		0	0	0
05:15		0	0	0
05:30		1	1	2
05:45		1	0	1
06:00		1	2	3
06:15		0	0	0
06:30		0	0	0
06:45		0	0	0
07:00		0	0	0
07:15		0	0	0
07:30		0	0	0
07:45		0	0	0
08:00		0	0	0
08:15		0	0	0
08:30		0	0	0
08:45		0	0	0
09:00		0	0	0
09:15		0	0	0
09:30		0	0	0
09:45		0	0	0
10:00		0	0	0
10:15		0	0	0
10:30		0	0	0
10:45		0	0	0
11:00		0	0	0
11:15		0	0	0
11:30		0	0	0
11:45		0	0	0
Total		6	6	12
Percent		50.0%	50.0%	
Peak		17:15	17:15	17:15
Vol.		3	3	6
P.H.F.		0.750	0.375	0.500

KMF DATA LLC

1669 SW College Street, Stuart, FL, USA 34997
Voice and Fax 772-221-7971

Main Gate (FPL Cape Canaveral Plant
Automatic Traffic Recorder
From 09/16/08 to 09/18/08
Location outside of Main Gate

Site Code: 08-119

Start Time	18-Sep-08 Thu	INBOUND	OUTBOUN	Total
12:00 AM		0	0	0
12:15		0	0	0
12:30		0	0	0
12:45		0	0	0
01:00		0	0	0
01:15		0	0	0
01:30		0	0	0
01:45		1	1	2
02:00		0	0	0
02:15		0	0	0
02:30		2	1	3
02:45		0	0	0
03:00		0	0	0
03:15		0	0	0
03:30		0	0	0
03:45		0	0	0
04:00		0	0	0
04:15		0	0	0
04:30		0	0	0
04:45		0	0	0
05:00		0	0	0
05:15		0	0	0
05:30		0	0	0
05:45		1	0	1
06:00		0	1	1
06:15		0	1	1
06:30		0	0	0
06:45		1	2	3
07:00		0	0	0
07:15		0	0	0
07:30		1	1	2
07:45		0	0	0
08:00		1	0	1
08:15		1	1	2
08:30		0	1	1
08:45		1	0	1
09:00		0	1	1
09:15		1	0	1
09:30		0	2	2
09:45		0	0	0
10:00		0	0	0
10:15		0	0	0
10:30		0	0	0
10:45		0	0	0
11:00		0	0	0
11:15		0	0	0
11:30		0	1	1
11:45		1	1	2
Total		11	14	25
Percent		44.0%	56.0%	
Peak		01:45	06:00	01:45
Vol.		3	4	5
P.H.F.		0.375	0.500	0.417

KMF DATA LLC

1669 SW College Street, Stuart, FL, USA 34997
Voice and Fax 772-221-7971

Site Code: 08-119

Main Gate (FPL Cape Canaveral Plant
Automatic Traffic Recorder
From 09/16/08 to 09/18/08
Location outside of Main Gate

Start Time	18-Sep-08 Thu	INBOUND	OUTBOUN	Total
12:00 PM		0	0	0
12:15		0	0	0
12:30		1	0	1
12:45		0	0	0
01:00		0	0	0
01:15		0	2	2
01:30		0	0	0
01:45		0	0	0
02:00		0	0	0
02:15		0	0	0
02:30		0	0	0
02:45		0	0	0
03:00		0	0	0
03:15		1	0	1
03:30		0	4	4
03:45		0	0	0
04:00		0	1	1
04:15		0	0	0
04:30		0	0	0
04:45		0	0	0
05:00		0	0	0
05:15		0	0	0
05:30		0	0	0
05:45		1	0	1
06:00		0	1	1
06:15		1	1	2
06:30		0	0	0
06:45		0	0	0
07:00		0	1	1
07:15		1	0	1
07:30		0	0	0
07:45		0	0	0
08:00		0	0	0
08:15		0	0	0
08:30		0	0	0
08:45		0	0	0
09:00		0	0	0
09:15		0	0	0
09:30		0	0	0
09:45		0	0	0
10:00		0	0	0
10:15		1	0	1
10:30		0	0	0
10:45		0	0	0
11:00		0	0	0
11:15		0	0	0
11:30		0	0	0
11:45		0	0	0
Total		6	10	16
Percent		37.5%	62.5%	
Peak		17:30	15:15	15:15
Vol.		2	5	6
P.H.F.		0.500	0.313	0.375
Total		49	62	111
Percent		44.1%	55.9%	

ADT ADT 36 AADT 36

KMF DATA LLC

1669 SW College Street, Stuart, FL, USA 34997
Voice and Fax 772-221-7971

Site Code: 08-119

Contract Gate (FPL Cape Canaveral Plant)
Automatic Traffic Recorder
From 09/16/08 to 09/16/08
Location outside of Contractor Gate

Start Time	16-Sep-08 Tue	INBOUND	OUTBOUN	Total
12:00 AM		0	0	0
12:15		0	0	0
12:30		0	0	0
12:45		0	0	0
01:00		0	0	0
01:15		0	0	0
01:30		0	0	0
01:45		0	0	0
02:00		0	0	0
02:15		0	0	0
02:30		0	0	0
02:45		0	0	0
03:00		0	0	0
03:15		0	0	0
03:30		0	0	0
03:45		0	0	0
04:00		0	0	0
04:15		0	0	0
04:30		0	0	0
04:45		0	0	0
05:00		0	0	0
05:15		0	0	0
05:30		0	1	1
05:45		0	0	0
06:00		0	0	0
06:15		0	0	0
06:30		0	0	0
06:45		0	0	0
07:00		1	0	1
07:15		0	0	0
07:30		0	0	0
07:45		0	0	0
08:00		1	0	1
08:15		0	0	0
08:30		0	0	0
08:45		0	0	0
09:00		0	2	2
09:15		0	0	0
09:30		0	0	0
09:45		0	0	0
10:00		0	0	0
10:15		0	0	0
10:30		0	0	0
10:45		0	0	0
11:00		0	0	0
11:15		0	0	0
11:30		0	0	0
11:45		0	0	0
Total		2	3	5
Percent		40.0%	60.0%	
Peak		06:15	08:15	08:15
Vol.		1	2	2
P.H.F.		0.250	0.250	0.250

KMF DATA LLC

1669 SW College Street, Stuart, FL, USA 34997
Voice and Fax 772-221-7971

Site Code: 08-119

Contract Gate (FPL Cape Canaveral Plant)
Automatic Traffic Recorder
From 09/16/08 to 09/18/08
Location outside of Contractor Gate

Start Time	16-Sep-08 Tue	INBOUND	OUTBOUN	Total
12:00 PM		0	0	0
12:15		0	0	0
12:30		0	0	0
12:45		0	0	0
01:00		0	0	0
01:15		0	0	0
01:30		0	0	0
01:45		0	0	0
02:00		0	0	0
02:15		0	0	0
02:30		0	0	0
02:45		0	1	1
03:00		0	0	0
03:15		0	0	0
03:30		0	0	0
03:45		1	1	2
04:00		0	0	0
04:15		0	0	0
04:30		0	0	0
04:45		0	0	0
05:00		0	2	2
05:15		0	0	0
05:30		0	0	0
05:45		0	0	0
06:00		0	0	0
06:15		0	0	0
06:30		0	0	0
06:45		0	0	0
07:00		0	0	0
07:15		0	0	0
07:30		0	0	0
07:45		0	0	0
08:00		0	0	0
08:15		0	0	0
08:30		0	0	0
08:45		0	0	0
09:00		0	0	0
09:15		0	0	0
09:30		0	0	0
09:45		0	0	0
10:00		0	0	0
10:15		0	0	0
10:30		0	0	0
10:45		0	0	0
11:00		0	0	0
11:15		0	0	0
11:30		0	0	0
11:45		0	0	0
Total		1	4	5
Percent		20.0%	80.0%	
Peak		15:00	16:15	15:00
Vol.		1	2	2
P.H.F.		0.250	0.250	0.250

KMF DATA LLC

1669 SW College Street, Stuart, FL, USA 34997
Voice and Fax 772-221-7971

Site Code: 08-119

Contract Gate (FPL Cape Canaveral Plant)
Automatic Traffic Recorder
From 09/16/08 to 09/18/08
Location outside of Contractor Gate

Start Time	17-Sep-08 Wed	INBOUND	OUTBOUN	Total
12:00 AM		0	0	0
12:15		0	0	0
12:30		0	0	0
12:45		0	0	0
01:00		0	0	0
01:15		0	0	0
01:30		0	0	0
01:45		0	0	0
02:00		0	0	0
02:15		0	0	0
02:30		0	0	0
02:45		0	0	0
03:00		0	0	0
03:15		0	0	0
03:30		0	0	0
03:45		0	0	0
04:00		0	0	0
04:15		2	2	4
04:30		0	0	0
04:45		0	0	0
05:00		0	0	0
05:15		0	0	0
05:30		0	0	0
05:45		0	0	0
06:00		0	0	0
06:15		1	0	1
06:30		0	0	0
06:45		0	0	0
07:00		0	2	2
07:15		0	0	0
07:30		0	0	0
07:45		0	0	0
08:00		2	0	2
08:15		0	0	0
08:30		0	0	0
08:45		0	0	0
09:00		0	0	0
09:15		0	0	0
09:30		3	2	5
09:45		0	0	0
10:00		0	0	0
10:15		0	0	0
10:30		0	0	0
10:45		0	0	0
11:00		1	0	1
11:15		0	0	0
11:30		0	0	0
11:45		0	0	0
Total		9	6	15
Percent		60.0%	40.0%	
Peak		08:45	03:30	08:45
Vol.		3	2	5
P.H.F.		0.250	0.250	0.250

KMF DATA LLC

1669 SW College Street, Stuart, FL, USA 34997
Voice and Fax 772-221-7971

Contract Gate (FPL Cape Canaveral Plant)
Automatic Traffic Recorder
From 09/16/08 to 09/18/08
Location outside of Contractor Gate

Site Code: 08-119

Start Time	17-Sep-08 Wed	INBOUND	OUTBOUN	Total
12:00 PM		0	0	0
12:15		0	0	0
12:30		1	1	2
12:45		0	0	0
01:00		1	0	1
01:15		0	0	0
01:30		0	2	2
01:45		0	0	0
02:00		0	0	0
02:15		0	0	0
02:30		0	1	1
02:45		1	1	2
03:00		0	0	0
03:15		0	0	0
03:30		1	1	2
03:45		0	0	0
04:00		0	0	0
04:15		0	0	0
04:30		0	0	0
04:45		0	0	0
05:00		0	0	0
05:15		0	0	0
05:30		1	1	2
05:45		0	0	0
06:00		0	0	0
06:15		0	0	0
06:30		0	0	0
06:45		0	0	0
07:00		0	0	0
07:15		0	0	0
07:30		0	0	0
07:45		0	0	0
08:00		0	0	0
08:15		0	0	0
08:30		0	0	0
08:45		0	0	0
09:00		0	0	0
09:15		0	0	0
09:30		0	0	0
09:45		0	0	0
10:00		0	0	0
10:15		0	0	0
10:30		0	0	0
10:45		0	0	0
11:00		0	0	0
11:15		0	0	0
11:30		0	0	0
11:45		0	0	0
Total		5	7	12
Percent		41.7%	58.3%	
Peak		12:15	12:45	14:45
Vol.		2	2	4
P.H.F.		0.500	0.250	0.500

KMF DATA LLC

1669 SW College Street, Stuart, FL, USA 34997
Voice and Fax 772-221-7971

Site Code: 08-119

Contract Gate (FPL Cape Canaveral Plant)
Automatic Traffic Recorder
From 09/16/08 to 09/18/08
Location outside of Contractor Gate

Start Time	18-Sep-08 Thu	INBOUND	OUTBOUN	Total
12:00 AM		0	0	0
12:15		0	0	0
12:30		0	0	0
12:45		0	0	0
01:00		0	0	0
01:15		0	0	0
01:30		0	0	0
01:45		0	0	0
02:00		0	0	0
02:15		0	0	0
02:30		0	0	0
02:45		0	0	0
03:00		0	0	0
03:15		0	0	0
03:30		0	0	0
03:45		0	0	0
04:00		0	0	0
04:15		0	0	0
04:30		0	0	0
04:45		0	0	0
05:00		0	0	0
05:15		0	0	0
05:30		1	0	1
05:45		0	0	0
06:00		0	0	0
06:15		0	0	0
06:30		0	0	0
06:45		0	0	0
07:00		1	0	1
07:15		0	0	0
07:30		0	0	0
07:45		1	0	1
08:00		1	2	3
08:15		0	0	0
08:30		0	0	0
08:45		0	2	2
09:00		0	0	0
09:15		0	0	0
09:30		0	0	0
09:45		0	0	0
10:00		0	0	0
10:15		0	0	0
10:30		0	0	0
10:45		0	0	0
11:00		0	0	0
11:15		0	0	0
11:30		0	0	0
11:45		0	0	0
Total		4	4	8
Percent		50.0%	50.0%	
Peak		07:00	08:00	08:00
Vol.		2	4	5
P.H.F.		0.500	0.500	0.417

KMF DATA LLC

1669 SW College Street, Stuart, FL, USA 34997
Voice and Fax 772-221-7971

Site Code: 08-119

Contract Gate (FPL Cape Canaveral Plant)
Automatic Traffic Recorder
From 09/16/08 to 09/18/08
Location outside of Contractor Gate

Start Time	18-Sep-08 Thu	INBOUND	OUTBOUN	Total
12:00 PM		0	0	0
12:15		0	1	1
12:30		0	0	0
12:45		0	0	0
01:00		0	1	1
01:15		0	0	0
01:30		0	0	0
01:45		0	0	0
02:00		0	0	0
02:15		0	1	1
02:30		1	1	2
02:45		0	0	0
03:00		0	0	0
03:15		0	0	0
03:30		0	1	1
03:45		0	0	0
04:00		0	0	0
04:15		0	0	0
04:30		1	1	2
04:45		0	0	0
05:00		0	0	0
05:15		0	0	0
05:30		0	0	0
05:45		1	1	2
06:00		0	0	0
06:15		0	0	0
06:30		0	0	0
06:45		0	0	0
07:00		0	0	0
07:15		0	0	0
07:30		2	2	4
07:45		0	0	0
08:00		0	0	0
08:15		0	0	0
08:30		0	0	0
08:45		0	0	0
09:00		0	0	0
09:15		0	0	0
09:30		0	0	0
09:45		0	0	0
10:00		0	0	0
10:15		0	0	0
10:30		0	0	0
10:45		0	0	0
11:00		0	0	0
11:15		0	0	0
11:30		0	0	0
11:45		0	0	0
Total		5	9	14
Percent		35.7%	64.3%	
Peak		18:45	12:15	18:45
Vol.		2	2	4
P.H.F.		0.250	0.500	0.250
Total		26	33	59
Percent		44.1%	55.9%	

ADT ADT 20 AADT 20

APPENDIX D

Seasonal Factors and Growth Data

2007 Peak Season Factor Category Report - Report Type: ALL
Category: 7000 BREVARD COUNTYWIDE

Week	Dates	SF	MOCF: 0.92 PSCF
1	01/01/2007 - 01/06/2007	1.02	1.11
2	01/07/2007 - 01/13/2007	1.00	1.09
3	01/14/2007 - 01/20/2007	0.98	1.07
4	01/21/2007 - 01/27/2007	0.97	1.06
* 5	01/28/2007 - 02/03/2007	0.95	1.03
* 6	02/04/2007 - 02/10/2007	0.93	1.01
* 7	02/11/2007 - 02/17/2007	0.92	1.00
* 8	02/18/2007 - 02/24/2007	0.91	0.99
* 9	02/25/2007 - 03/03/2007	0.90	0.98
*10	03/04/2007 - 03/10/2007	0.89	0.97
*11	03/11/2007 - 03/17/2007	0.89	0.97
*12	03/18/2007 - 03/24/2007	0.90	0.98
*13	03/25/2007 - 03/31/2007	0.91	0.99
*14	04/01/2007 - 04/07/2007	0.92	1.00
*15	04/08/2007 - 04/14/2007	0.93	1.01
*16	04/15/2007 - 04/21/2007	0.94	1.02
*17	04/22/2007 - 04/28/2007	0.96	1.04
18	04/29/2007 - 05/05/2007	0.98	1.07
19	05/06/2007 - 05/12/2007	0.99	1.08
20	05/13/2007 - 05/19/2007	1.01	1.10
21	05/20/2007 - 05/26/2007	1.02	1.11
22	05/27/2007 - 06/02/2007	1.02	1.11
23	06/03/2007 - 06/09/2007	1.02	1.11
24	06/10/2007 - 06/16/2007	1.03	1.12
25	06/17/2007 - 06/23/2007	1.03	1.12
26	06/24/2007 - 06/30/2007	1.04	1.13
27	07/01/2007 - 07/07/2007	1.04	1.13
28	07/08/2007 - 07/14/2007	1.04	1.13
29	07/15/2007 - 07/21/2007	1.05	1.14
30	07/22/2007 - 07/28/2007	1.05	1.14
31	07/29/2007 - 08/04/2007	1.04	1.13
32	08/05/2007 - 08/11/2007	1.04	1.13
33	08/12/2007 - 08/18/2007	1.04	1.13
34	08/19/2007 - 08/25/2007	1.05	1.14
35	08/26/2007 - 09/01/2007	1.07	1.16
36	09/02/2007 - 09/08/2007	1.09	1.19
37	09/09/2007 - 09/15/2007	1.10	1.20
38	09/16/2007 - 09/22/2007	1.09	1.19
39	09/23/2007 - 09/29/2007	1.08	1.17
40	09/30/2007 - 10/06/2007	1.07	1.16
41	10/07/2007 - 10/13/2007	1.05	1.14
42	10/14/2007 - 10/20/2007	1.04	1.13
43	10/21/2007 - 10/27/2007	1.04	1.13
44	10/28/2007 - 11/03/2007	1.05	1.14
45	11/04/2007 - 11/10/2007	1.05	1.14
46	11/11/2007 - 11/17/2007	1.05	1.14
47	11/18/2007 - 11/24/2007	1.04	1.13
48	11/25/2007 - 12/01/2007	1.04	1.13
49	12/02/2007 - 12/08/2007	1.03	1.12
50	12/09/2007 - 12/15/2007	1.02	1.11
51	12/16/2007 - 12/22/2007	1.01	1.10
52	12/23/2007 - 12/29/2007	1.00	1.09
53	12/30/2007 - 12/31/2007	0.98	1.07

* Peak Season

Florida Department of Transportation
Transportation Statistics Office
2007 Historical AADT Report

County: 70 - BREVARD

Site: 0403 - ON US-1, 0.361 MI. N OF SR-528/A-1-A (UVL)

Year	AADT	Direction 1	Direction 2	K Factor	D Factor	T Factor
2007	35500 C	N 17500	S 18000	9.20	54.21	4.60
2006	36000 C	N 17500	S 18500	11.35	57.22	4.80
2005	36000 C	N 17500	S 18500	11.30	53.80	4.80
2004	34000 C	N 16500	S 17500	10.10	56.80	4.90
2003	34500 C	N 17500	S 17000	9.80	53.10	4.70
2002	32500 C	N 16500	S 16000	9.90	53.90	10.30
2001	35500 C	N 17500	S 18000	11.40	60.10	4.10
2000	33000 C	N 16500	S 16500	10.20	52.40	1.00
1999	33500 C	N 15500	S 18000	10.30	53.70	4.50
1998	34500 C	N 17500	S 17000	10.00	54.30	4.00
1997	36500 C	N 18000	S 18500	10.20	52.90	4.60
1996	36000 C	N 17500	S 18500	10.70	57.70	3.60
1995	37000 C	N 17500	S 19500	10.70	57.40	3.80
1994	35500 C	N 17500	S 18000	10.30	54.90	4.70
1993	32000 C	N 16000	S 16000	0.00	0.00	0.00

AADT Flags: C = Computed; E = Manual Estimate; F = First Year Estimate
S = Second Year Estimate; T = Third Year Estimate; X = Unknown

Florida Department of Transportation
Transportation Statistics Office
2007 Historical AADT Report

County: 70 - BREVARD

Site: 0384 - ON US-1, 0.982 MI. S OF SR-405 (UVLP)

Year	AADT	Direction 1	Direction 2	K Factor	D Factor	T Factor
2007	25500 C	N 12500	S 13000	9.20	54.21	3.90
2006	26000 C	N 13000	S 13000	11.35	57.22	3.80
2005	26500 C	N 13000	S 13500	11.30	53.80	3.60
2004	29000 C	N 14500	S 14500	10.10	56.80	3.60
2003	26000 C	N 13000	S 13000	9.80	53.10	3.40
2002	26500 C	N 13500	S 13000	9.90	53.90	16.10
2001	27000 C	N 13500	S 13500	11.40	60.10	4.10
2000	24000 C	N 12000	S 12000	10.20	52.40	1.00
1999	27000 C	N 13500	S 13500	10.30	53.70	4.50
1998	26000 C	N 13000	S 13000	10.00	54.30	4.00
1997	26000 C	N 13000	S 13000	10.20	52.90	4.60
1996	25500 C	N 12500	S 13000	10.70	57.70	3.60
1995	25000 C	N 12500	S 12500	10.70	57.40	3.80
1994	25500 C	N 13000	S 12500	10.30	54.90	4.70
1993	24000 C	N 12000	S 12000	0.00	0.00	0.00

AADT Flags: C = Computed; E = Manual Estimate; F = First Year Estimate
S = Second Year Estimate; T = Third Year Estimate; X = Unknown

APPENDIX E

Projected Turning Movement Volumes and Construction Laydown Area

LEGEND

- FPL Cape Canaveral Energy Center
- Proposed Construction Laydown Area

DRAFT

REFERENCE

1. Cape Canaveral Energy Complex boundary, Avirom & Associates, Inc. 2008
2. Imagery, National Image Mapping, 2008.
3. Proposed Laydown Area, FPL, 2008

0 500 1,000 2,000 Feet

SCALE AS SHOWN

PROJECT
FPL
CAPE CANAVERAL ENERGY CENTER

TITLE
CONSTRUCTION, PARKING AND LAYDOWN AREA

FPL

PROJECT No. 193-87833	File No. CA033	REV. 0
DESIGN GMC 12/01/08		
DR MRL 12/02/08		
CHECK		
REVIEW		

FIGURE 4.8.2-1

FUTURE TURNING MOVEMENT VOLUME ANALYSIS

US 1 and Main Entrance/Exit Driveway
AM Peak Hour Analysis (Peak Construction Period)

Description	US 1 Northbound			US 1 Southbound			Driveway Eastbound			Main Gate Westbound		
	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right
2008 Existing Traffic (9/16/08)	0	744	0	2	1,392	1	1	0	1	0	0	3
Season Adjustment Factor	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09
2008 Peak Season Traffic	0	811	0	2	1,517	1	1	0	1	0	0	3
Annual Growth Rate	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%
2012 Growth Traffic	0	844	0	2	1,579	1	1	0	1	0	0	3
2012 Background Traffic	0	844	0	2	1,579	1	1	0	1	0	0	3
Peak Construction Traffic		195	130	70								
2012 Total Traffic	**0**	**1,039**	**130**	**72**	**1,579**	**1**	**1**	**0**	**1**	**0**	**0**	**3**

Traf Tech
ENGINEERING, INC.

FUTURE TURNING MOVEMENT VOLUME ANALYSIS

US 1 and Main Entrance/Exit Driveway
PM Peak Hour Analysis (Peak Construction Period)

Description	US 1 Northbound			US 1 Southbound			Driveway Eastbound			Main Gate Westbound		
	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right
2008 Existing Traffic (9/16/08)	0	1,761	0	2	1,105	0	0	0	0	4	0	1
Season Adjustment Factor	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09
2008 Peak Season Traffic	0	1,919	0	2	1,204	0	0	0	0	4	0	1
Annual Growth Rate	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%
2012 Growth Traffic	0	1,997	0	2	1,253	0	0	0	0	5	0	1
2012 Background Traffic	0	1,997	0	2	1,253	0	0	0	0	5	0	1
Peak Construction Traffic					195					130		70
2012 Total Traffic	**0**	**1,997**	**0**	**2**	**1,448**	**0**	**0**	**0**	**0**	**135**	**0**	**71**

Traf Tech
ENGINEERING, INC.

FUTURE TURNING MOVEMENT VOLUME ANALYSIS

US 1 and Clearview Drive
AM Peak Hour Analysis (Peak Construction Period)

Description	US 1 Northbound			US 1 Southbound			Clearview Drive Eastbound			Gate 1 Westbound		
	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right
2008 Existing Traffic (9/16/08)	0	736	0	1	1,406	0	1	0	3	0	0	0
Season Adjustment Factor	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09
2008 Peak Season Traffic	0	802	0	1	1,533	0	1	0	3	0	0	0
Annual Growth Rate	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%
2012 Growth Traffic	0	835	0	1	1,595	0	1	0	3	0	0	0
2012 Background Traffic	0	835	0	1	1,595	0	1	0	3	0	0	0
Peak Construction Traffic	195				70	105						
2012 Total Traffic	**195**	**835**	**0**	**1**	**1,665**	**105**	**1**	**0**	**3**	**0**	**0**	**0**

Traf Tech
ENGINEERING, INC.

FUTURE TURNING MOVEMENT VOLUME ANALYSIS

US 1 and Clearview Drive
PM Peak Hour Analysis (Peak Construction Period)

Description	US 1 Northbound			US 1 Southbound			Clearview Drive Eastbound			Gate 1 Westbound		
	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right
2008 Existing Traffic (9/16/08)	0	1,761	0	0	1,108	4	5	0	3	0	0	0
Season Adjustment Factor	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09
2008 Peak Season Traffic	0	1,919	0	0	1,208	4	5	0	3	0	0	0
Annual Growth Rate	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%
2012 Growth Traffic	0	1,997	0	0	1,257	5	6	0	3	0	0	0
2012 Background Traffic	0	1,997	0	0	1,257	5	6	0	3	0	0	0
Peak Construction Traffic		70					105		195			
2012 Total Traffic	**0**	**2,067**	**0**	**0**	**1,257**	**5**	**111**	**0**	**198**	**0**	**0**	**0**

Traf Tech
ENGINEERING, INC.

APPENDIX F

Capacity Analyses

TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*Vargas*
Agency/Co.	*Traf Tech Engineering, Inc.*
Date Performed	*12/11/08*
Analysis Time Period	*AM Peak Hour*

Site Information

Intersection	*US 1/Main Gate*
Jurisdiction	*Brevard County*
Analysis Year	*2008 Existing*

Project Description

East/West Street: *Main Gate* | North/South Street: *US 1*

Intersection Orientation: *North-South* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*744*	*0*	*2*	*1392*	*1*
Peak-Hour Factor, PHF	*0.87*	*0.87*	*0.87*	*0.83*	*0.83*	*0.83*
Hourly Flow Rate, HFR (veh/h)	*2*	*0*	*2*	*0*	*0*	*7*
Percent Heavy Vehicles	*1*	--	--	*1*	--	--
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*0*	*2*	*1*	*1*	*2*	*0*
Configuration	*LT*	*T*	*R*	*L*	*T*	*TR*
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*1*	*0*	*1*	*0*	*0*	*3*
Peak-Hour Factor, PHF	*0.38*	*0.38*	*0.38*	*0.38*	*0.38*	*0.38*
Hourly Flow Rate, HFR (veh/h)	*2*	*1677*	*1*	*0*	*855*	*0*
Percent Heavy Vehicles	*1*	*1*	*1*	*1*	*1*	*1*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*0*	*1*	*0*
Configuration		*LTR*			*LTR*	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*LT*	*L*		*LTR*			*LTR*	
v (veh/h)	*0*	*2*		*7*			*4*	
C (m) (veh/h)	*382*	*787*		*578*			*131*	
v/c	*0.00*	*0.00*		*0.01*			*0.03*	
95% queue length	*0.00*	*0.01*		*0.04*			*0.09*	
Control Delay (s/veh)	*14.4*	*9.6*		*11.3*			*33.3*	
LOS	*B*	*A*		*B*			*D*	

Approach Delay (s/veh)	--	--	*11.3*	*33.3*
Approach LOS	--	--	*B*	*D*

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*Vargas*
Agency/Co.	*Traf Tech Engineering, Inc.*
Date Performed	*12/11/08*
Analysis Time Period	*AM Peak Hour*

Site Information

Intersection	*US 1/Main Gate*
Jurisdiction	*Brevard County*
Analysis Year	*2012 Background*

Project Description

East/West Street: *Main Gate* North/South Street: *US 1*

Intersection Orientation: *North-South* Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*844*	*0*	*2*	*1579*	*1*
Peak-Hour Factor, PHF	*0.87*	*0.87*	*0.87*	*0.83*	*0.83*	*0.83*
Hourly Flow Rate, HFR (veh/h)	*2*	*0*	*2*	*0*	*0*	*7*
Percent Heavy Vehicles	*1*	--	--	*1*	--	--
Median Type	*Two Way Left Turn Lane*					
RT Channelized			*0*			*0*
Lanes	*0*	*2*	*1*	*1*	*2*	*0*
Configuration	*LT*	*T*	*R*	*L*	*T*	*TR*
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*1*	*0*	*1*	*0*	*0*	*3*
Peak-Hour Factor, PHF	*0.38*	*0.38*	*0.38*	*0.38*	*0.38*	*0.38*
Hourly Flow Rate, HFR (veh/h)	*2*	*1902*	*1*	*0*	*970*	*0*
Percent Heavy Vehicles	*1*	*1*	*1*	*1*	*1*	*1*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*0*	*1*	*0*
Configuration		*LTR*			*LTR*	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*LT*	*L*		*LTR*			*LTR*	
v (veh/h)	*0*	*2*		*7*			*4*	
C (m) (veh/h)	*313*	*712*		*531*			*99*	
v/c	*0.00*	*0.00*		*0.01*			*0.04*	
95% queue length	*0.00*	*0.01*		*0.04*			*0.13*	
Control Delay (s/veh)	*16.5*	*10.1*		*11.9*			*42.9*	
LOS	*C*	*B*		*B*			*E*	

Approach Delay (s/veh)	--	--	*11.9*	*42.9*
Approach LOS	--	--	*B*	*E*

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*Vargas*
Agency/Co.	*Traf Tech Engineering, Inc.*
Date Performed	*12/11/08*
Analysis Time Period	*AM Peak Hour*

Site Information

Intersection	*US 1/Main Gate*
Jurisdiction	*Brevard County*
Analysis Year	*2012 Peak Construction*

Project Description

East/West Street: *Main Gate* North/South Street: *US 1*

Intersection Orientation: *North-South* Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*1039*	*130*	*72*	*1579*	*1*
Peak-Hour Factor, PHF	*0.87*	*0.87*	*0.87*	*0.83*	*0.83*	*0.83*
Hourly Flow Rate, HFR (veh/h)	*2*	*0*	*2*	*0*	*0*	*7*
Percent Heavy Vehicles	*1*	--	--	*1*	--	--
Median Type	*Two Way Left Turn Lane*					
RT Channelized			*0*			*0*
Lanes	*0*	*2*	*1*	*1*	*2*	*0*
Configuration	*LT*	*T*	*R*	*L*	*T*	*TR*
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*1*	*0*	*1*	*0*	*0*	*3*
Peak-Hour Factor, PHF	*0.38*	*0.38*	*0.38*	*0.38*	*0.38*	*0.38*
Hourly Flow Rate, HFR (veh/h)	*86*	*1902*	*1*	*0*	*1194*	*149*
Percent Heavy Vehicles	*1*	*1*	*1*	*1*	*1*	*1*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*0*	*1*	*0*
Configuration		*LTR*			*LTR*	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*LT*	*L*		*LTR*			*LTR*	
v (veh/h)	*0*	*86*		*7*			*4*	
C (m) (veh/h)	*313*	*514*		*449*			*69*	
v/c	*0.00*	*0.17*		*0.02*			*0.06*	
95% queue length	*0.00*	*0.60*		*0.05*			*0.18*	
Control Delay (s/veh)	*16.5*	*13.4*		*13.1*			*60.4*	
LOS	*C*	*B*		*B*			*F*	

Approach Delay (s/veh)	--	--	*13.1*	*60.4*
Approach LOS	--	--	*B*	*F*

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*Vargas*
Agency/Co.	*Traf Tech Engineering, Inc.*
Date Performed	*12/11/08*
Analysis Time Period	*PM Peak Hour*

Site Information

Intersection	*US 1/Main Gate*
Jurisdiction	*Brevard County*
Analysis Year	*2008 Existing*

Project Description

East/West Street: *Main Gate*	North/South Street: *US 1*
Intersection Orientation: *North-South*	Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*1761*	*0*	*2*	*1105*	*0*
Peak-Hour Factor, PHF	*0.92*	*0.92*	*0.92*	*0.93*	*0.93*	*0.93*
Hourly Flow Rate, HFR (veh/h)	*0*	*0*	*0*	*9*	*0*	*2*
Percent Heavy Vehicles	*1*	--	--	*1*	--	--
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*0*	*2*	*1*	*1*	*2*	*0*
Configuration	*LT*	*T*	*R*	*L*	*T*	*TR*
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*0*	*0*	*0*	*4*	*0*	*1*
Peak-Hour Factor, PHF	*0.42*	*0.42*	*0.42*	*0.42*	*0.42*	*0.42*
Hourly Flow Rate, HFR (veh/h)	*2*	*1188*	*0*	*0*	*1914*	*0*
Percent Heavy Vehicles	*1*	*1*	*1*	*1*	*1*	*1*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*0*	*1*	*0*
Configuration		*LTR*			*LTR*	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*LT*	*L*		*LTR*			*LTR*	
v (veh/h)	*0*	*2*		*11*			*0*	
C (m) (veh/h)	*589*	*310*		*69*				
v/c	*0.00*	*0.01*		*0.16*				
95% queue length	*0.00*	*0.02*		*0.53*				
Control Delay (s/veh)	*11.1*	*16.7*		*66.8*				
LOS	*B*	*C*		*F*				

Approach Delay (s/veh)	--	--	66.8	
Approach LOS	--	--	F	

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*Vargas*
Agency/Co.	*Traf Tech Engineering, Inc.*
Date Performed	*12/11/08*
Analysis Time Period	*PM Peak Hour*

Site Information

Intersection	*US 1/Main Gate*
Jurisdiction	*Brevard County*
Analysis Year	*2012 Background*

Project Description

East/West Street: *Main Gate* | North/South Street: *US 1*

Intersection Orientation: *North-South* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*1997*	*0*	*2*	*1253*	*0*
Peak-Hour Factor, PHF	*0.92*	*0.92*	*0.92*	*0.93*	*0.93*	*0.93*
Hourly Flow Rate, HFR (veh/h)	*0*	*0*	*0*	*11*	*0*	*2*
Percent Heavy Vehicles	*1*	–	–	*1*	–	–
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*0*	*2*	*1*	*1*	*2*	*0*
Configuration	*LT*	*T*	*R*	*L*	*T*	*TR*
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*0*	*0*	*0*	*5*	*0*	*1*
Peak-Hour Factor, PHF	*0.42*	*0.42*	*0.42*	*0.42*	*0.42*	*0.42*
Hourly Flow Rate, HFR (veh/h)	*2*	*1347*	*0*	*0*	*2170*	*0*
Percent Heavy Vehicles	*1*	*1*	*1*	*1*	*1*	*1*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*0*	*1*	*0*
Configuration		*LTR*			*LTR*	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*LT*	*L*		*LTR*			*LTR*	
v (veh/h)	*0*	*2*		*13*			*0*	
C (m) (veh/h)	*512*	*246*		*46*				
v/c	*0.00*	*0.01*		*0.28*				
95% queue length	*0.00*	*0.02*		*0.96*				
Control Delay (s/veh)	*12.0*	*19.8*		*111.6*				
LOS	*B*	*C*		*F*				

Approach Delay (s/veh)	--	--	*111.6*	
Approach LOS	--	--	*F*	

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*Vargas*
Agency/Co.	*Traf Tech Engineering, Inc.*
Date Performed	*12/11/08*
Analysis Time Period	*PM Peak Hour*

Site Information

Intersection	*US 1/Main Gate*
Jurisdiction	*Brevard County*
Analysis Year	*2012 Peak Construction*

Project Description

East/West Street: *Main Gate* | North/South Street: *US 1*

Intersection Orientation: *North-South* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*1997*	*0*	*2*	*1448*	*0*
Peak-Hour Factor, PHF	*0.92*	*0.92*	*0.92*	*0.93*	*0.93*	*0.93*
Hourly Flow Rate, HFR (veh/h)	*0*	*0*	*0*	*321*	*0*	*169*
Percent Heavy Vehicles	*1*	--	--	*1*	--	--
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*0*	*2*	*1*	*1*	*2*	*0*
Configuration	*LT*	*T*	*R*	*L*	*T*	*TR*
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*0*	*0*	*0*	*135*	*0*	*71*
Peak-Hour Factor, PHF	*0.42*	*0.42*	*0.42*	*0.42*	*0.42*	*0.42*
Hourly Flow Rate, HFR (veh/h)	*2*	*1556*	*0*	*0*	*2170*	*0*
Percent Heavy Vehicles	*1*	*1*	*1*	*1*	*1*	*1*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*0*	*1*	*0*
Configuration		*LTR*			*LTR*	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*LT*	*L*		*LTR*			*LTR*	
v (veh/h)	*0*	*2*		*490*			*0*	
C (m) (veh/h)	*426*	*246*		*56*				
v/c	*0.00*	*0.01*		*8.75*				
95% queue length	*0.00*	*0.02*		*57.45*				
Control Delay (s/veh)	*13.5*	*19.8*		*3628*				
LOS	*B*	*C*		*F*				

Approach Delay (s/veh)	--	--	3628	
Approach LOS	--	--	F	

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HCS+: Signalized Intersections Release 5.2

Analyst: Vargas
Agency: Traf Tech Engineering, Inc.
Date: 12/11/08
Period: PM Peak Hour
Project ID: With Traffic Control Personnel
E/W St: Main Gate

Inter.: US 1/Main Gate
Area Type: All other areas
Jurisd: Brevard County
Year : 2012 Peak Construction
N/S St: US 1

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	0	0	0	1	0	0	2	1	1	2	0
LGConfig					LTR			LT	R	L	TR	
Volume				135	0	71	0	1997	0	2	1448	0
Lane Width					12.0			12.0	12.0	12.0	12.0	
RTOR Vol						0			0			0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4		5	6	7	8
EB Left					NB Left	A			
Thru					Thru	A			
Right					Right	A			
Peds					Peds				
WB Left	A				SB Left	A			
Thru	A				Thru	A			
Right	A				Right	A			
Peds					Peds				
NB Right					EB Right				
SB Right					WB Right				
Green	30.0					60.0			
Yellow	4.0					4.0			
All Red	1.0					1.0			

Cycle Length: 100.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios v/c	Ratios g/C	Lane Group Delay	Lane Group LOS	Approach Delay	Approach LOS
Eastbound								
Westbound								
LTR	526	1754	0.44	0.30	28.8	C	28.8	C
Northbound								
LT	2171	3618	1.00	0.60	39.3	D	39.3	D
R	969	1615	0.00	0.60	8.0	A		
Southbound								
L	76	127	0.03	0.60	8.3	A		
TR	2171	3618	0.72	0.60	15.2	B	15.2	B

Intersection Delay = 29.2 (sec/veh) Intersection LOS = C

TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*Vargas*
Agency/Co.	*Traf Tech Engineering, Inc.*
Date Performed	*12/11/08*
Analysis Time Period	*AM Peak Hour*

Site Information

Intersection	*US 1/Clearview Drive*
Jurisdiction	*Brevard County*
Analysis Year	*2008 Existing*

Project Description

East/West Street: *Clearview Drive*	North/South Street: *US 1*
Intersection Orientation: *North-South*	Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*736*	*0*	*1*	*1406*	*0*
Peak-Hour Factor, PHF	*0.87*	*0.87*	*0.87*	*0.85*	*0.85*	*0.85*
Hourly Flow Rate, HFR (veh/h)	*2*	*0*	*6*	*0*	*0*	*0*
Percent Heavy Vehicles	*1*	--	--	*1*	--	--
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*0*	*2*	*1*	*0*	*2*	*0*
Configuration	*LT*	*T*	*R*	*LT*		*TR*
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*1*	*0*	*3*	*0*	*0*	*0*
Peak-Hour Factor, PHF	*0.50*	*0.50*	*0.50*	*0.25*	*0.25*	*0.25*
Hourly Flow Rate, HFR (veh/h)	*1*	*1654*	*0*	*0*	*845*	*0*
Percent Heavy Vehicles	*1*	*1*	*1*	*1*	*1*	*1*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*0*	*1*	*0*
Configuration		*LTR*			*LTR*	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*LT*	*LT*		*LTR*			*LTR*	
v (veh/h)	*0*	*1*		*0*			*8*	
C (m) (veh/h)	*391*	*794*					*190*	
v/c	*0.00*	*0.00*					*0.04*	
95% queue length	*0.00*	*0.00*					*0.13*	
Control Delay (s/veh)	*14.2*	*9.5*					*24.8*	
LOS	*B*	*A*					*C*	

Approach Delay (s/veh)	--	--		24.8
Approach LOS	--	--		C

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*Vargas*
Agency/Co.	*Traf Tech Engineering, Inc.*
Date Performed	*12/11/08*
Analysis Time Period	*AM Peak Hour*

Site Information

Intersection	*US 1/Clearview Drive*
Jurisdiction	*Brevard County*
Analysis Year	*2012 Background*

Project Description

East/West Street: *Clearview Drive* | North/South Street: *US 1*

Intersection Orientation: *North-South* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*835*	*0*	*1*	*1595*	*0*
Peak-Hour Factor, PHF	*0.87*	*0.87*	*0.87*	*0.85*	*0.85*	*0.85*
Hourly Flow Rate, HFR (veh/h)	*2*	*0*	*6*	*0*	*0*	*0*
Percent Heavy Vehicles	*1*	--	--	*1*	--	--
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*0*	*2*	*1*	*0*	*2*	*0*
Configuration	*LT*	*T*	*R*	*LT*		*TR*
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*1*	*0*	*3*	*0*	*0*	*0*
Peak-Hour Factor, PHF	*0.50*	*0.50*	*0.50*	*0.25*	*0.25*	*0.25*
Hourly Flow Rate, HFR (veh/h)	*1*	*1876*	*0*	*0*	*959*	*0*
Percent Heavy Vehicles	*1*	*1*	*1*	*1*	*1*	*1*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*0*	*1*	*0*
Configuration		*LTR*			*LTR*	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*LT*	*LT*		*LTR*			*LTR*	
v (veh/h)	*0*	*1*		*0*			*8*	
C (m) (veh/h)	*320*	*719*					*148*	
v/c	*0.00*	*0.00*					*0.05*	
95% queue length	*0.00*	*0.00*					*0.17*	
Control Delay (s/veh)	*16.3*	*10.0*					*30.7*	
LOS	*C*	*B*					*D*	

Approach Delay (s/veh)	--	--		*30.7*
Approach LOS	--	--		*D*

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*Vargas*
Agency/Co.	*Traf Tech Engineering, Inc.*
Date Performed	*12/11/08*
Analysis Time Period	*AM Peak Hour*

Site Information

Intersection	*US 1/Clearview Drive*
Jurisdiction	*Brevard County*
Analysis Year	*2012 Peak Construction*

Project Description

East/West Street: *Clearview Drive*	North/South Street: *US 1*
Intersection Orientation: *North-South*	Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*195*	*835*	*0*	*1*	*1665*	*105*
Peak-Hour Factor, PHF	*0.87*	*0.87*	*0.87*	*0.85*	*0.85*	*0.85*
Hourly Flow Rate, HFR (veh/h)	*2*	*0*	*6*	*0*	*0*	*0*
Percent Heavy Vehicles	*1*	--	--	*1*	--	--
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*0*	*2*	*1*	*0*	*2*	*0*
Configuration	*LT*	*T*	*R*	*LT*		*TR*
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*1*	*0*	*3*	*0*	*0*	*0*
Peak-Hour Factor, PHF	*0.50*	*0.50*	*0.50*	*0.25*	*0.25*	*0.25*
Hourly Flow Rate, HFR (veh/h)	*1*	*1958*	*123*	*224*	*959*	*0*
Percent Heavy Vehicles	*1*	*1*	*1*	*1*	*1*	*1*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*0*	*1*	*0*
Configuration		*LTR*			*LTR*	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*LT*	*LT*		*LTR*			*LTR*	
v (veh/h)	*224*	*1*		*0*			*8*	
C (m) (veh/h)	*267*	*719*						
v/c	*0.84*	*0.00*						
95% queue length	*6.86*	*0.00*						
Control Delay (s/veh)	*62.3*	*10.0*						
LOS	*F*	*B*						

Approach Delay (s/veh)	--	--		
Approach LOS	--	--		

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	Vargas
Agency/Co.	Traf Tech Engineering, Inc.
Date Performed	12/11/08
Analysis Time Period	AM Peak Hour

Site Information

Intersection	US 1/Clearview Drive
Jurisdiction	Brevard County
Analysis Year	2012 Peak Construction

Project Description: With Northbound Left-Turn Lane

East/West Street: Clearview Drive | North/South Street: US 1

Intersection Orientation: North-South | Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	195	835	0	1	1665	105
Peak-Hour Factor, PHF	0.87	0.87	0.87	0.85	0.85	0.85
Hourly Flow Rate, HFR (veh/h)	2	0	6	0	0	0
Percent Heavy Vehicles	1	--	--	1	--	--
Median Type	Raised curb					
RT Channelized			0			0
Lanes	1	2	1	0	2	0
Configuration	L	T	R	LT		TR
Upstream Signal		0			0	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	1	0	3	0	0	0
Peak-Hour Factor, PHF	0.50	0.50	0.50	0.25	0.25	0.25
Hourly Flow Rate, HFR (veh/h)	1	1958	123	224	959	0
Percent Heavy Vehicles	1	1	1	1	1	1
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	1	0	0	1	0
Configuration		LTR			LTR	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L	LT		LTR			LTR	
v (veh/h)	224	1		0			8	
C (m) (veh/h)	267	719						
v/c	0.84	0.00						
95% queue length	6.86	0.00						
Control Delay (s/veh)	62.3	10.0						
LOS	F	B						

Approach Delay (s/veh)	--	--		
Approach LOS	--	--		

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HCS+: Signalized Intersections Release 5.2

Analyst: Vargas
Agency: Traf Tech Engineering, Inc.
Date: 12/11/08
Period: AM Peak Hour
Project ID: Traffic Control Person, Two EB Lanes, One NB Left-Turn Lane
E/W St: Clearview Drive

Inter.: US 1/Clearview Drive
Area Type: All other areas
Jurisd: Brevard County
Year : 2012 Peak Construction
N/S St: US 1

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	1	0	0	0	0	1	2	0	0	2	0
LGConfig	L	TR					L	TR			LTR	
Volume	1	0	3				195	835	0	1	1665	105
Lane Width	12.0	12.0					12.0	12.0			12.0	
RTOR Vol			0						0			0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination		1	2	3	4			5	6	7	8
EB	Left	A				NB	Left	A	A		
	Thru	A					Thru	A	A		
	Right	A					Right	A	A		
	Peds						Peds				
WB	Left	A				SB	Left	A			
	Thru	A					Thru	A			
	Right	A					Right	A			
	Peds						Peds				
NB	Right					EB	Right				
SB	Right					WB	Right				
Green		10.0						60.0	16.0		
Yellow		4.0						4.0	4.0		
All Red		1.0						1.0	0.0		

Cycle Length: 100.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios v/c	Ratios g/C	Lane Group Delay	Lane Group LOS	Approach Delay	Approach LOS
Eastbound								
L	181	1805	0.01	0.10	40.6	D		
TR	162	1615	0.04	0.10	40.7	D	40.7	D
Westbound								
Northbound								
L	455	1805	0.49	0.81	30.9	C		
TR	2931	3618	0.33	0.81	2.5	A	7.9	A
Southbound								
LTR	2054	3423	1.01	0.60	43.6	D	43.6	D

Intersection Delay = 30.7 (sec/veh) Intersection LOS = C

TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*Vargas*
Agency/Co.	*Traf Tech Engineering, Inc.*
Date Performed	*12/11/08*
Analysis Time Period	*PM Peak Hour*

Site Information

Intersection	*US 1/Clearview Drive*
Jurisdiction	*Brevard County*
Analysis Year	*2008 Existing*

Project Description

East/West Street: *Clearview Drive* North/South Street: *US 1*

Intersection Orientation: *North-South* Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*1761*	*0*	*0*	*1108*	*4*
Peak-Hour Factor, PHF	*0.98*	*0.98*	*0.98*	*0.96*	*0.96*	*0.96*
Hourly Flow Rate, HFR (veh/h)	*7*	*0*	*4*	*0*	*0*	*0*
Percent Heavy Vehicles	*1*	–	–	*1*	–	–
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*0*	*2*	*1*	*0*	*2*	*0*
Configuration	*LT*	*T*	*R*	*LT*		*TR*
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*5*	*0*	*3*	*0*	*0*	*0*
Peak-Hour Factor, PHF	*0.67*	*0.67*	*0.67*	*0.25*	*0.25*	*0.25*
Hourly Flow Rate, HFR (veh/h)	*0*	*1154*	*4*	*0*	*1796*	*0*
Percent Heavy Vehicles	*1*	*1*	*1*	*1*	*1*	*1*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*0*	*1*	*0*
Configuration		*LTR*			*LTR*	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*LT*	*LT*		*LTR*			*LTR*	
v (veh/h)	*0*	*0*		*0*			*11*	
C (m) (veh/h)	*605*	*344*					*174*	
v/c	*0.00*	*0.00*					*0.06*	
95% queue length	*0.00*	*0.00*					*0.20*	
Control Delay (s/veh)	*11.0*	*15.5*					*27.1*	
LOS	*B*	*C*					*D*	

Approach Delay (s/veh)	--	--		27.1
Approach LOS	--	--		D

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*Vargas*
Agency/Co.	*Traf Tech Engineering, Inc.*
Date Performed	*12/11/08*
Analysis Time Period	*PM Peak Hour*

Site Information

Intersection	*US 1/Clearview Drive*
Jurisdiction	*Brevard County*
Analysis Year	*2012 Background*

Project Description

East/West Street: *Clearview Drive* | North/South Street: *US 1*

Intersection Orientation: *North-South* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*1997*	*0*	*0*	*1257*	*5*
Peak-Hour Factor, PHF	*0.98*	*0.98*	*0.98*	*0.96*	*0.96*	*0.96*
Hourly Flow Rate, HFR (veh/h)	*8*	*0*	*4*	*0*	*0*	*0*
Percent Heavy Vehicles	*1*	--	--	*1*	--	--
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*0*	*2*	*1*	*0*	*2*	*0*
Configuration	*LT*	*T*	*R*	*LT*		*TR*
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*6*	*0*	*3*	*0*	*0*	*0*
Peak-Hour Factor, PHF	*0.67*	*0.67*	*0.67*	*0.25*	*0.25*	*0.25*
Hourly Flow Rate, HFR (veh/h)	*0*	*1309*	*5*	*0*	*2037*	*0*
Percent Heavy Vehicles	*1*	*1*	*1*	*1*	*1*	*1*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*0*	*1*	*0*
Configuration		*LTR*			*LTR*	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*LT*	*LT*		*LTR*			*LTR*	
v (veh/h)	*0*	*0*		*0*			*12*	
C (m) (veh/h)	*528*	*277*					*136*	
v/c	*0.00*	*0.00*					*0.09*	
95% queue length	*0.00*	*0.00*					*0.29*	
Control Delay (s/veh)	*11.8*	*18.0*					*34.0*	
LOS	*B*	*C*					*D*	

Approach Delay (s/veh)	--	--		*34.0*
Approach LOS	--	--		*D*

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*Vargas*
Agency/Co.	*Traf Tech Engineering, Inc.*
Date Performed	*12/11/08*
Analysis Time Period	*PM Peak Hour*

Site Information

Intersection	*US 1/Clearview Drive*
Jurisdiction	*Brevard County*
Analysis Year	*2012 Peak Construction*

Project Description

East/West Street: *Clearview Drive* North/South Street: *US 1*

Intersection Orientation: *North-South* Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*2067*	*0*	*0*	*1257*	*5*
Peak-Hour Factor, PHF	*0.98*	*0.98*	*0.98*	*0.96*	*0.96*	*0.96*
Hourly Flow Rate, HFR (veh/h)	*165*	*0*	*295*	*0*	*0*	*0*
Percent Heavy Vehicles	*1*	--	--	*1*	--	--
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*0*	*2*	*1*	*0*	*2*	*0*
Configuration	*LT*	*T*	*R*	*LT*		*TR*
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*111*	*0*	*198*	*0*	*0*	*0*
Peak-Hour Factor, PHF	*0.67*	*0.67*	*0.67*	*0.25*	*0.25*	*0.25*
Hourly Flow Rate, HFR (veh/h)	*0*	*1309*	*5*	*0*	*2109*	*0*
Percent Heavy Vehicles	*1*	*1*	*1*	*1*	*1*	*1*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*0*	*1*	*0*
Configuration		*LTR*			*LTR*	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*LT*	*LT*		*LTR*			*LTR*	
v (veh/h)	*0*	*0*		*0*			*460*	
C (m) (veh/h)	*528*	*260*					*193*	
v/c	*0.00*	*0.00*					*2.38*	
95% queue length	*0.00*	*0.00*					*37.92*	
Control Delay (s/veh)	*11.8*	*18.8*					*676.8*	
LOS	*B*	*C*					*F*	

Approach Delay (s/veh)	--	--		676.8
Approach LOS	--	--		F

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	Vargas
Agency/Co.	Traf Tech Engineering, Inc.
Date Performed	12/11/08
Analysis Time Period	PM Peak Hour

Site Information

Intersection	US 1/Clearview Drive
Jurisdiction	Brevard County
Analysis Year	2012 Peak Construction

Project Description

East/West Street: Clearview Drive | North/South Street: US 1

Intersection Orientation: North-South | Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	0	2067	0	0	1257	5
Peak-Hour Factor, PHF	0.98	0.98	0.98	0.96	0.96	0.96
Hourly Flow Rate, HFR (veh/h)	165	0	295	0	0	0
Percent Heavy Vehicles	1	--	--	1	--	--
Median Type	Raised curb					
RT Channelized			0			0
Lanes	1	2	1	0	2	0
Configuration	L	T	R	LT		TR
Upstream Signal		0			0	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	111	0	198	0	0	0
Peak-Hour Factor, PHF	0.67	0.67	0.67	0.25	0.25	0.25
Hourly Flow Rate, HFR (veh/h)	0	1309	5	0	2109	0
Percent Heavy Vehicles	1	1	1	1	1	1
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	1	1	0	0	1	0
Configuration	L		TR		LTR	

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L	LT		LTR		L		TR
v (veh/h)	0	0		0		165		295
C (m) (veh/h)	528	260				99		410
v/c	0.00	0.00				1.67		0.72
95% queue length	0.00	0.00				13.01		5.55
Control Delay (s/veh)	11.8	18.8				414.5		33.3
LOS	B	C				F		D

Approach Delay (s/veh)	--	--		170.0
Approach LOS	--	--		F

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HCS+: Signalized Intersections Release 5.2

Analyst: Vargas
Agency: Traf Tech Engineering, Inc.
Date: 12/11/08
Period: PM Peak Hour
Project ID: With Traffic Control Person and Two Eastbound Lanes
E/W St: Clearview Drive

Inter.: US 1/Clearview Drive
Area Type: All other areas
Jurisd: Brevard County
Year : 2012 Peak Construction
N/S St: US 1

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	1	0	0	0	0	1	2	0	0	2	0
LGConfig	L	TR					L	TR			LTR	
Volume	111	0	198				0	2067	0	0	1257	5
Lane Width	12.0	12.0					12.0	12.0			12.0	
RTOR Vol			0						0			0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination		1	2	3	4			5	6	7	8
EB	Left	A				NB	Left	A			
	Thru	A					Thru	A			
	Right	A					Right	A			
	Peds						Peds				
WB	Left	A				SB	Left	A			
	Thru	A					Thru	A			
	Right	A					Right	A			
	Peds						Peds				
NB	Right					EB	Right				
SB	Right					WB	Right				
Green		30.0						60.0			
Yellow		4.0						4.0			
All Red		1.0						1.0			

Cycle Length: 100.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios v/c	Ratios g/C	Lane Group Delay	Lane Group LOS	Approach Delay	Approach LOS
Eastbound								
L	542	1805	0.31	0.30	27.3	C		
TR	485	1615	0.61	0.30	32.2	C	30.5	C
Westbound								
Northbound								
L	160	267	0.00	0.60	8.0	A		
TR	2171	3618	0.97	0.60	32.4	C	32.4	C
Southbound								
LTR	2170	3616	0.61	0.60	13.1	B	13.1	B

Intersection Delay = 25.6 (sec/veh) Intersection LOS = C

APPENDIX 10.8

CLIMATE CHANGE AND
FPL'S GREENHOUSE GAS STRATEGY

APPENDIX 10.8

CLIMATE CHANGE AND FPL'S GREENHOUSE GAS STRATEGY
FPL CAPE CANAVERAL ENERGY CENTER

December 2008

APPENDIX 10.8
CLIMATE CHANGE AND FPL'S GREENHOUSE GAS STRATEGY

Florida Power & Light Company (FPL) is a subsidiary of FPL Group, Inc., nationally known as a high quality, efficient, and customer-driven organization focused on energy-related products and services. FPL Energy, Inc., FPL Group's energy-generating subsidiary, is a leader in producing electricity from clean and renewable fuels.

FPL Group recognizes that climate change is the most significant environmental issue facing the nation and believes that the threat of major, long-term environmental and economic damage from climate change is real. Because of this, FPL Group has taken a leadership role to address this important issue and the call for action for a national climate change policy. The decision to step into the forefront of this issue goes hand-in-hand with FPL Group's longtime commitment to managing operations with sensitivity to the environment.

Part I of this appendix discusses Florida's emerging climate change policy. Part II highlights specific actions that FPL is taking now in Florida to address climate change and how the conversion of the Riviera and Cape Canaveral Power Plants to next generation clean energy centers will be incorporated into FPL's plan for addressing global climate change. In fact, the conversion of the Riviera and Cape Canaveral Power Plants will contribute to an overall increase in efficiency of FPL's generation portfolio, thereby reducing the expected system-wide carbon-dioxide (CO_2) emissions. Part III highlights the multiple alliances that FPL Group has joined to address climate change and FPL Energy's leading role in generating electricity from renewable fuels.

PART I. FLORIDA'S EMERGING CLIMATE CHANGE POLICY

In July 2007, Governor Charlie Crist signed Executive Order 07-127 stating Florida greenhouse gas emission reduction targets as follows: by 2017, reduce greenhouse gas emissions to 2000 levels; by 2025, reduce greenhouse gas emissions to 1990 levels; by 2050, reduce greenhouse gas emissions by 80 percent of the 1990 levels. Governor Crist also signed Executive Order 07-128, establishing a Climate Action Team on Energy and Climate Change to review alternatives for reducing greenhouse gas emissions in Florida. This team issued its Phase 1 report on November 1, 2007. The report recognizes that new, clean, low-carbon emitting natural gas-fired generation will remain an important part of Florida's near term electric generation. The Climate Action Team and its associated technical work groups published their final report in October 2008. The Action Team's final report provided

comprehensive recommendations for the development of greenhouse gas emissions reduction regulations in Florida.

In 2008, the state legislature passed a comprehensive Energy Bill, HB 7135, authorizing the Florida Department of Environmental Protection (FDEP) to establish greenhouse gas reduction rules and allow reimbursement to electric utilities for investments in research and development of carbon capture and sequestration technologies. The legislation also directs FDEP to establish a cap and trade program to reduce greenhouse gas emissions in accordance with targets established in Executive Order 07-127. The greenhouse gas reduction rules are expected to be adopted sometime in early 2010 for submittal to the state legislature for ratification.

PART II. FPL'S COMMITMENT TO REDUCING GREENHOUSE GAS EMISSIONS IN FLORIDA

Consistent with Florida's emerging policy, FPL is committed to addressing global climate change. FPL's plan for addressing climate change has been formulated by considerable experience, including:

- Renewable energy, including significant investments in the construction of solar thermal and photovoltaic facilities. FPL is also attempting to obtain siting approval for wind power facilities.
- New nuclear generation at the existing Turkey Point power plant site in south Miami-Dade County and additional generation at two existing nuclear plants (Turkey Point and St. Lucie Power Plants) – which have an impressive record of both clean energy and safety.
- Energy efficiency in electricity generation, continuing to utilize energy-efficient combustion turbine technology to reduce fleet-wide greenhouse gas emissions and use less fuel.
- Power plant modifications, converting older FPL oil-fired facilities into cleaner combined-cycle technology.
- Energy efficiency in electricity usage, where in partnership with FPL customers, realizing cost-effective demand-side reductions in electric usage, particularly at peak times.

INCORPORATING THE RIVIERA BEACH ENERGY CENTER AND CAPE CANAVERAL ENERGY CENTER INTO FPL'S COMMITMENT TO ADDRESS GLOBAL CLIMATE CHANGE

In assessing the proposed conversion projects, FPL has taken into account the CO_2 emissions that would be emitted from the Riviera Beach Energy Center (RBEC) and Cape Canaveral Energy Center (CCEC) in order to meet customers' energy needs, as well as the reduction in total CO_2 emissions

from the FPL system after the RBEC and CCEC projects are completed. Use of natural gas as the primary fuel, along with the most efficient combined cycle technology, will result in one of the lowest CO_2 emission rates on a pound-per-megawatt-hour (lb/MW-hr) basis of any fossil fuel-fired power plant in the country. The post-conversion CO_2 emission rate will be about one-half the CO_2 emission rate prior to the conversion. Moreover, the converted units will be among the most efficient natural gas fired generating units in FPL's system. As a result, the electricity generated by the converted units will displace generation produced by less efficient units in FPL's system and concomitantly reduce the amount of CO_2 emissions. The increased efficiency can be shown by the CO_2 emission rate in lb/MW-hr. Figure 10.8-1 shows the lb/MW-hr emission rates before and after the conversions for the Riviera and Cape Canaveral Plants to combined cycle technology. As shown in this figure, the CO_2 emission rate for the new combined cycle units will be about 750 lb/MW-hr, while the CO_2 emission rates for the existing FPL Riviera and Cape Canaveral Plant are about 1,500 lb/MW-hr, or twice as much.

The RBEC and CCEC Projects were analyzed together and jointly submitted to the Florida Public Service Commission for approval of a determination of need. The total impact of the two conversion Projects is a projected reduction in FPL's system emissions of CO_2 by 15.7 million tons from 2013 through 2040. Figure 10.8-2 shows the cumulative 2013 through 2040 FPL system CO_2 emissions reductions with both conversions. As shown in the figure, there will be significant reductions in CO_2 emissions in FPL's system as a direct result of the conversion of the Riviera and Cape Canaveral Plants.

Highly efficient generating facilities such as CCEC and RBEC will assist Florida and FPL in achieving the CO_2 reduction goals stated by Governor Crist and maintaining electric generation reliability. As previously stated, in addition to the CCEC and RBEC, FPL has committed to building new zero-emitting solar thermal and photovoltaic facilities in Florida, and is also pursuing wind power facilities. These new facilities combined with base load electric generation from CCEC and RBEC will provide low and zero-emitting electric generation and help to achieve fuel efficiency and diversity in Florida. For the future, FPL is committed to helping meet CO_2 emissions reduction goals that may be established by the State of Florida.

FPL RENEWABLE ENERGY ACTIVITIES IN FLORIDA

In an effort to add new renewable energy resources, FPL is pursuing several initiatives in Florida. FPL's Renewable Energy Strategy Team is actively evaluating and pursuing renewable energy

technologies that may be suitable for the State. FPL believes that greater use of conservation and cost-effective renewable resources is good for our customers and the environment and that ongoing evaluation and implementation of emerging clean energy technologies is a necessary pursuit. The following renewable energy activities are underway in Florida:

- FPL is currently involved in activities to maintain and add renewable resources produced by generators that produce electricity from biomass and municipal waste. At the time of the filing for approval for the CCEC and RBEC Projects, FPL anticipated that 143 megawatts (MW) of renewable purchase contracts currently set to expire in the 2009 to 2011 timeframe will be extended or otherwise continued. In addition, FPL projected that 126 MW of new renewable capacity will be provided in the 2008 to 2017 timeframe from FPL's own development efforts, responses to FPL's 2008 Renewable Request for Proposals, and/or unsolicited proposals from renewable energy sources.
- FPL is currently looking to develop and construct projects in solar photovoltaic and solar thermal technologies throughout the State, helping to provide platforms to refine the technology and reduce its cost. Currently, FPL is planning to build three Next Generation Solar Energy Centers, consisting of the world's largest photovoltaic solar plant and the first "hybrid" energy center that will combine solar thermal technology with an existing combined-cycle generation unit. For the latter, FPL has sought and obtained authorization from FDEP to construct the Martin Solar Energy Center (MSEC). This facility will consist of about 180,000 mirrors over about 500 acres at the Martin Plant site and generate about 154,000 MW-hr of electricity from solar energy. FPL will also build a solar photovoltaic facility in Kennedy Space Center, forging a unique public-private partnership with NASA that will leverage engineering, design, and operating expertise, and the nation's largest solar photovoltaic facility on FPL's land in DeSoto County.
- FPL is proposing to construct a wind generation project on the east coast of Florida at our St. Lucie power plant site.
- Through alliances with Florida universities, such as Florida Atlantic University, FPL is exploring technologies that produce electricity from ocean current, ocean thermal, and hydrogen commercial technologies.

In another commitment to renewable fuels, FPL will replace select corporate passenger vehicles with hybrid-powered vehicles. FPL also has been at the forefront of a national industry program to develop a line of hybrid trucks capable of running in pure electric or conventional mode, or a combination of both, and has committed to an all-hybrid service fleet as soon as those vehicles become commercially available.

FPL deployed three prototype diesel-electric bucket trucks in 2006, deployed an additional five in 2007, and by the end of 2008, will add 12 more. These trucks can produce up to 25 kilowatts (kW) of electricity and have reduced the fuel consumption (when compared to a standard gasoline-powered truck in FPL's fleet) by an average of 55 percent. In addition, FPL will soon also have the nation's very first plug-in hybrid bucket truck in service this year. FPL signed on to become one of Azure Dynamics' "key fleet" partners in the development and testing of hybrid conversion vans.

FPL has been using a B20 biodiesel mix in increasing amounts since 2001. During the last 12 months, FPL has used 2 million gallons of biodiesel made from soybean oil. This has reduced CO_2 emissions by 20 percent per truck.

FPL CUSTOMER ENERGY CONSERVATION PROGRAMS

FPL is the nation's leader among electric utilities for our partnership with customers in conservation and No. 3 in load management (based on 2006 U.S. Department of Energy data, the latest available). With FPL facing continued customer growth and growth in usage among existing customers, cost-effective conservation and load management programs are integral to helping keep customer rates stable while providing reliable service. To the extent these measures help to reduce FPL's energy requirements, they help reduce overall CO_2 emissions.

Since 1981, customers have participated more than 5.2 million times in FPL's industry-leading conservation and energy management programs. For example, more than 2.4 million have had a Home Energy Survey and many have participated in multiple programs. FPL's nationally recognized leadership in the implementation of demand side management (DSM) within its system has avoided the need to build the equivalent of 12 mid-sized power plants. The results through year-end 2007 include:

Residential:

- 2,420,000 energy surveys performed;
- 748,000 Building Envelope Program participants;
- 1,127,000 high-efficiency air conditioning program participants;
- 436,000 duct tests and repairs; and
- 761,000 On Call® participants.

Business:

- 117,000 energy surveys performed;

- 263 MW of efficient lighting;
- 307 MW of high-efficiency air conditioning/heating; and
- 57 MW of Building Envelope retrofits.

From 1998 through 2008, FPL's investment in customer programs to reduce energy demand will exceed $1.7 billion. In 2007 alone, FPL invested more than $114 million on conservation and load management incentives. The company expects that savings from these programs through 2014 will enable us to forego the building of at least another two power plants – in addition to the 12 mid-sized plants we have already avoided constructing due to these efforts.

FPL is also evaluating solar technologies in order to potentially begin offering incentives to residential customers.

FPL received approval from the Florida Public Service Commission to implement a pilot of programmable thermostat options for the On Call® program. FPL started a small scale test program (400 customers) in August 2007 that evaluated the benefits of a new generation of programmable communicating thermostats to help put residential customers in charge of decisions that could lower energy costs. In return for a free thermostat, participants agreed to allow FPL to cycle off their air conditioning equipment during system peaks.

In July 2007, FPL began offering a new Online Business Energy Evaluation as a quick, easy-to-use, and free way to help business customers control electricity usage. The do-it-yourself interactive energy survey offers practical, energy-saving recommendations customized to each customer's business and building type.

In addition, FPL provides optional load management programs that help reduce power usage by predictable and specific levels during times when energy demands are highest. These On Call® programs allow participating residential and business customers to receive a credit on their electric bills for allowing FPL to occasionally "interrupt" major appliances.

FPL has also embarked upon an initiative to install advanced electronic meters that utilize internet protocol to provide remote meter communications on all customer homes and small businesses. Part of this plan included an initial evaluation phase, which included the installation of 50,000 advanced meters in select customer homes and small businesses in 2007 and an additional 50,000 in 2008. Pending final successful evaluation of this technology, the remaining residential and small business customers should be receiving "smart meters" in the coming years. The new technology will allow

FPL to remotely collect and analyze electricity-related data, help customers be able to better monitor and manage their energy usage, as well as provide opportunities to improve customer services and employee safety. The initiative may also allow FPL to improve its own operating effectiveness in systems planning, load management and increase the ability to identify, and correct electric service issues once the system is fully activated.

THE ROLE OF UTILITIES AND HOW FPL COMPARES

FPL has invested significantly in making its existing Florida power plants more efficient and building new, highly efficient next generation energy centers to meet the current needs of FPL customers and future growth in energy demand. These new energy centers will represent FPL's sustainable, clean energy commitment and a continued course of a diversified, clean fuel mix.

Electric utilities did not single-handedly create the problem of climate change, nor will FPL be able to solve the problem alone. FPL recognizes that voluntary action, by itself, in the energy industry will not be enough. It is also necessary to ensure that system reliability is maintained and that electricity rates remain stable for utility customers. FPL does not believe the solution is to outlaw certain fuels or to mandate a reduction in electricity usage. Rather, the answer is a combination of solutions, including cost-effective conservation and load management programs, generation from renewable fuels, nuclear and cleaner fossil generation.

FPL'S RECORD OF AIR EMISSIONS REDUCTIONS

Over the past decade, FPL Group has voluntarily made significant reductions in power plant emissions. Today, FPL Group's emission rates of CO_2 are among the lowest of all power generators in the United States (Figure 10.8-3). Since 1990, FPL Group has increased generation by an additional 104 million MW-hr – a 218 percent increase – while reducing CO_2 emission rates by 24 percent.

FPL is also the nation's leader in converting older oil-burning power plants to modern highly efficient natural gas operations, which significantly increases the efficiency of the plants and reduces emissions. The conversions of the existing Cape Canaveral and Riviera Power Plants will further exemplify FPL's commitment to environmental sustainability.

FPL'S EXISTING NUCLEAR GENERATION HAS AVOIDED GREENHOUSE GAS EMISSIONS

FPL's generating fleet includes considerable nuclear generating capacity and nuclear additions are planned for the future. The operation of FPL's existing nuclear units has resulted in a significant amount of air emissions being avoided as compared to the same amount of electric generation being produced using fossil fuels.

To place these avoided CO_2 emissions in perspective, it is important to consider the magnitude of such emissions in Florida. FDEP has estimated that in 2003 the CO_2 emissions from all sources in Florida including electrical generation and transportation were about 250 million tons. FPL's nuclear units in 2003 avoided an amount equivalent to about 6 to 10 percent of Florida's total CO_2 emissions. The avoided emissions from FPL's nuclear units are considerable by any measure.

FPL Groups overall emissions profile, when all generation facilities are considered, is one of the lowest in the country (Figure 10.8-4). Although FPL has one of the cleanest fossil fuel-fired fleets, FPL's nuclear units have further served to significantly decrease FPL's air emissions profile when all sources of generation are considered. FPL's nuclear units have, in effect, reduced emissions across FPL's system with an overall air emissions reduction of about 30 percent.

FPL'S PLANNED ADDITION OF NUCLEAR GENERATION WILL HELP MEET FLORIDA'S GREENHOUSE GAS REDUCTION GOALS

FPL future generation plans include nuclear extended power uprates and two new nuclear units. FPL's nuclear uprate projects involve improvements at the existing Turkey Point Units 3 and 4 and St. Lucie Units 1 and 2 to add about 100 MW per unit or 400 MW total in 2011 and 2012. Each of the two nuclear uprate projects will result in avoided CO_2 emissions of approximately 0.6 million tons per year.

The proposed new nuclear units, Turkey Point 6 and 7 would add at least 1,100 MW per unit beginning in the 2018 to 2020 timeframe. These nuclear units combined will result in avoided CO_2 emissions of approximately 7 to 17.6 million tons per year.

PART III. FPL GROUP'S COMMITMENT TO ADDRESS GLOBAL CLIMATE CHANGE

In June 2007, FPL Group Chairman and Chief Executive Officer Lew Hay testified before the Senate Committee on Environment and Public Works about how utilities can be part of the solution to the

challenge of global warming. On Capitol Hill, he proposed that the simplest and most effective solution that protects the economy:

- Sets a market price for carbon that is reflected in the price of every good and service consumed throughout the economy.
- Applies the carbon fee to all industry sectors, as well as import- and export-sensitive industries.
- Allows companies to avoid paying the carbon fee by not emitting carbon - exactly the behavior that FPL wants to encourage.

FPL Group has analyzed the issues and has published a report on its conclusions: "U.S. Climate Policy: Pricing Carbon, Preserving the Environment, Protecting the Economy" (2007).

In 2003, FPL Group was the first electric company to join the Environmental Protection Agency's "Climate Leaders" program. As a participant, FPL Group committed to achieving an 18 percent reduction in its CO_2 emissions rate – the main greenhouse gas blamed by scientists for warming the Earth – by 2008, compared to a 2001 baseline. FPL Group has already achieved and in fact, surpassed that goal.

FPL Group is also a Pioneer Partner in the World Wildlife Fund's "PowerSwitch®" program, which is designed to reduce greenhouse gas emissions through the use of cleaner fuels and more efficient electricity generation. FPL Group has committed to a 15 percent improvement in the efficiency of our power plants by 2020, from a 2000 baseline. This will avoid 19 million tons of CO_2 emissions annually.

What FPL Group is doing out of respect for the environment has not gone unnoticed. In February 2007, FPL Group was named by Corporate Knights, Inc., a Canadian media company, as one of the most sustainable companies in the world – one of only two utility companies in the United States. In addition, in September 2007, FPL Group was named "Best in Class" in the prestigious Climate Leadership Index and honored among Fortune 500 companies for our approach to climate change in a report issued by the Carbon Disclosure Project.

FPL GROUP'S PARTNERS IN ADDRESSING CLIMATE CHANGE

FPL Group has joined multiple alliances to strengthen the call for action on a comprehensive approach to climate change, including the following:

The Climate Group – FPL Group has joined the Climate Group, an independent, nonprofit organization dedicated to advancing business and government leadership on climate change. Proactive companies, states and cities around the world are demonstrating that cuts in greenhouse gases required to stop climate change can be achieved while growing the bottom line.

The Carbon Disclosure Project – The Carbon Disclosure Project (CDP) is an independent not-for-profit organization that seeks information on the business risks and opportunities presented by climate change and greenhouse gas emissions data from the world's largest companies. Each year, FPL Group voluntarily provides information to the CDP for disclosure on their website to facilitate the activities of policymakers, consultants, accountants and marketers. CDP has become the gold standard for carbon disclosure methodology and process and is the largest repository of corporate greenhouse gas emissions data in the world.

United States Climate Action Partnership (USCAP) – In January 2007, FPL Group joined a diverse group of United States-based businesses and leading environmental organizations calling upon the federal government to quickly enact mandatory economy-wide legislation to achieve significant reductions of greenhouse gas emissions. USCAP members believe any delay today in action to control emissions increases the risk of unavoidable consequences that could require even steeper reductions in the future.

In January 2007, USCAP issued a landmark set of principles and recommendations to highlight the urgent need for a policy framework on climate change. The solutions-based report, titled A Call for Action, lays out a blueprint for a mandatory economy-wide, market-driven approach to climate protection.

Global Roundtable on Climate Change – FPL Group has also endorsed the Joint Statement of the Global Roundtable on Climate Change (GROCC). GROCC brings together more than 150 critical stakeholders from all regions of the world – including senior executives from the private sector and leaders of international governmental and non-governmental organizations – to discuss and explore areas of consensus regarding core scientific, technological, and economic issues critical to shaping sound public policies on climate change.

The statement lays out a proactive framework for global action to decrease climate change risks and impacts, while also meeting the need for energy, economic growth, and sustainable development around the world. It outlines cost-effective technologies that exist today and others that could be

developed and implemented to improve energy efficiency and to help reduce emissions of CO_2 and other greenhouse gases in major sectors of the global economy.

Those endorsing the Joint Statement represent the fields of energy, government, air transport, manufacturing, banking, insurance, technology, religious organizations, and many others.

The Clinton Global Initiative (CGI) – CGI is a non-partisan organization that brings together a community of global leaders from various backgrounds to devise and implement innovative solutions to some of the world's most pressing challenges. The organization is reaching even more leaders in diverse regions, including future leaders from college campuses and global citizens through a community of projects evolving from CGI's unique model that focuses on taking action. FPL Group's Clean Energy 2007 Commitment at the Clinton Global Initiative in September 2007 included a commitment to build new solar generation facilities over the next 7 years totaling 300 megawatts in Florida and 500 megawatts in the United States, representing a total capital cost of approximately U.S. $1.5 billion.

FPL GROUP'S CALL TO ACTION

Over the past decade, FPL Group has voluntarily made significant reductions in power plant emissions. This puts FPL Group in a unique position to advocate for meaningful policy to help slow, stop, and reverse greenhouse gas emissions such as CO_2.

FPL Group believes that voluntary programs will not be enough to realize meaningful and necessary reductions throughout the economy and world-wide. Unfortunately, getting the United States economy on a path of reduced carbon emissions will not be cost-free.

It is important for FPL and the United States that the right policies be put in place to address this long-term issue – policies that will be effective in reducing emissions without imposing unacceptable costs or needlessly shocking the global economy. Unfortunately, bad policy can be just as damaging as no policy at all.

FPL Group is uniquely positioned at the forefront of a comprehensive plan to address climate change, as well as leading a dynamic commitment to environmental stewardship. FPL Group is committed to complying with all environmental laws, regulations, and standards – but more than that, committed to leading the charge for real change. To demonstrate this commitment, FPL Group pledged $2.4 billion

in renewable energy and energy-efficiency technologies of the future, including solar power, consumer renewable-energy programs, and an advanced metering initiative to give more control over energy efficiency to consumers, FPL Group's partners in fighting climate change.

FPL ENERGY OUT IN FRONT ON RENEWABLE ENERGY

Long before serious discussions about moving toward energy independence in America, FPL Energy has been leading the way in generating electricity from renewable fuels. Harnessing the power of the sun, wind, and water to produce electricity is environmentally friendly – and FPL Energy is a leading electricity producer using all three technologies. FPL Energy is also on the forefront of developing new, clean, and affordable sources of power generation.

Today, FPL Energy has power generation facilities in operation in 26 states and Canada, and more than 90 percent of the electricity generated is by clean fuels such as natural gas, wind, nuclear, water, and the sun.

Solar – Today FPL Energy is the largest generator of solar thermal power in the world. FPL Energy co-owns and operates seven solar plants in California's Mojave Desert, collectively known as the world's largest solar site. In all, FPL Energy operates 310 MW of solar power, which is capable of meeting the energy needs of about 230,000 homes.

Wind – World-wide, wind is the fastest growing renewable energy resource. FPL Energy is the nation's number-one producer of wind power. Currently, FPL Energy owns and operates nearly 60 wind facilities in 16 states and has a capacity of nearly 5,100 MW. In addition, in 2007, FPL Energy wind farms were estimated to have offset the production of:

- Nearly 9 million tons of CO_2,
- Over 21,000 tons of sulfur dioxide, and
- More than 13,000 tons of nitrogen oxide.

Hydro – FPL Energy is a leading producer of hydroelectric power in Maine. These power plants convert the force of moving water into electricity to generate approximately 1.6 million MW-hr of power annually.

CONCLUSION

FPL Group has taken a leadership role to address climate change and the call for action for a national climate change policy. The decision to step into the forefront of this issue goes hand-in-hand with FPL Group's longtime commitment to managing operations with sensitivity to the environment.

FPL is taking action now in Florida to address climate change. FPL is the nation's leader among electric utilities for its partnership with customers in conservation and No. 3 in energy management. FPL's nationally recognized leadership in the implementation of cost-effective conservation and load management programs within its system has avoided the need to build the equivalent of 12 mid-sized power plants. FPL is also the nation's leader in conversions, significantly increasing the efficiency of many of its existing power plants while reducing emissions. The conversion of the existing Cape Canaveral and Riviera Power Plants to next generation clean energy centers exemplifies FPL's commitment to efficient, clean energy, utilizing state of the art technology. In addition, FPL's future generation plans include nuclear uprates and two new nuclear units. Additional nuclear energy will result in a significant amount of air emissions being avoided as compared to the same amount of electric generation being produced using fossil fuels.

On a lb/MW-hr basis, the CO_2 emission rates for the Cape Canaveral and Riviera Beach Energy Centers will be among the lowest of any fossil fuel-fired power plant in the country. The conversions will also reduce FPL's system emissions of CO_2 by 15.7 million tons from 2013 through 2040. Highly efficient generating facilities such as the Cape Canaveral and Riviera Beach Energy Centers will greatly assist Florida and FPL in achieving the CO_2 reduction goals stated by Governor Crist and maintaining electric generation reliability.

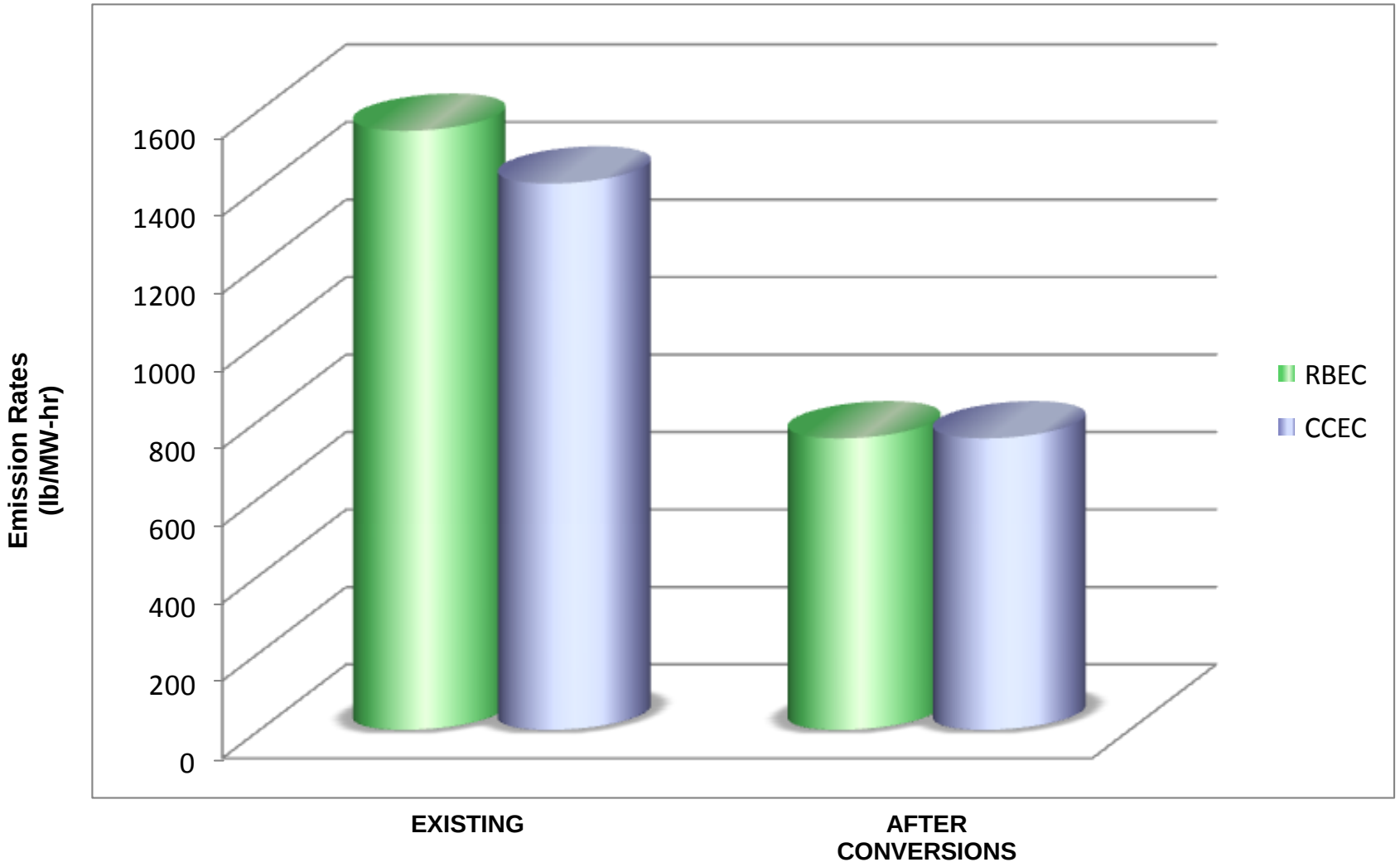

Figure 10.8-1
Comparison of CO_2 Emissions for CCEC and RBEC

Source: Golder, 2008.

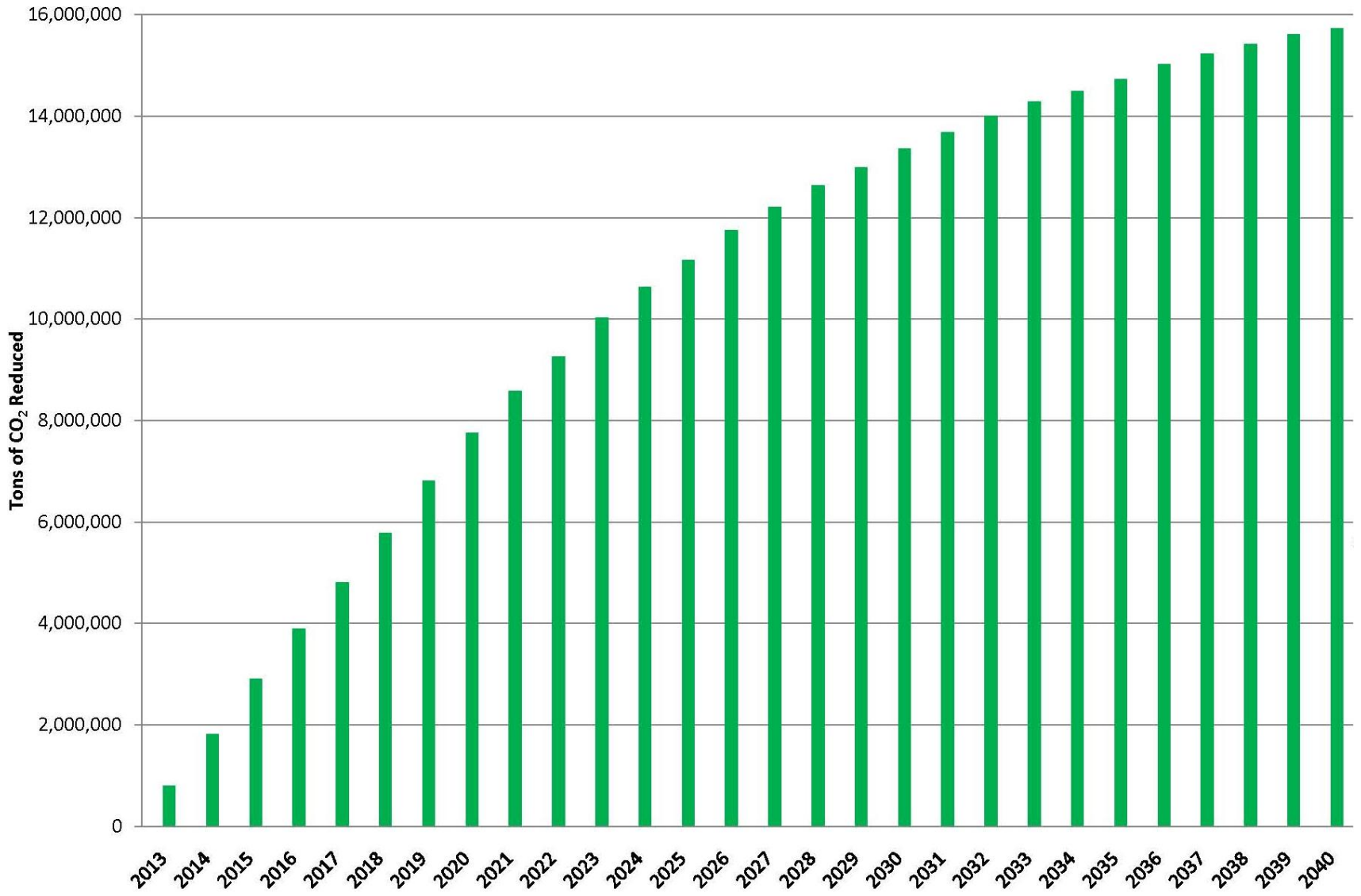

Figure 10.8-2
Cumulative CO_2 Reductions for FPL Conversions

Source: Golder, 2008.

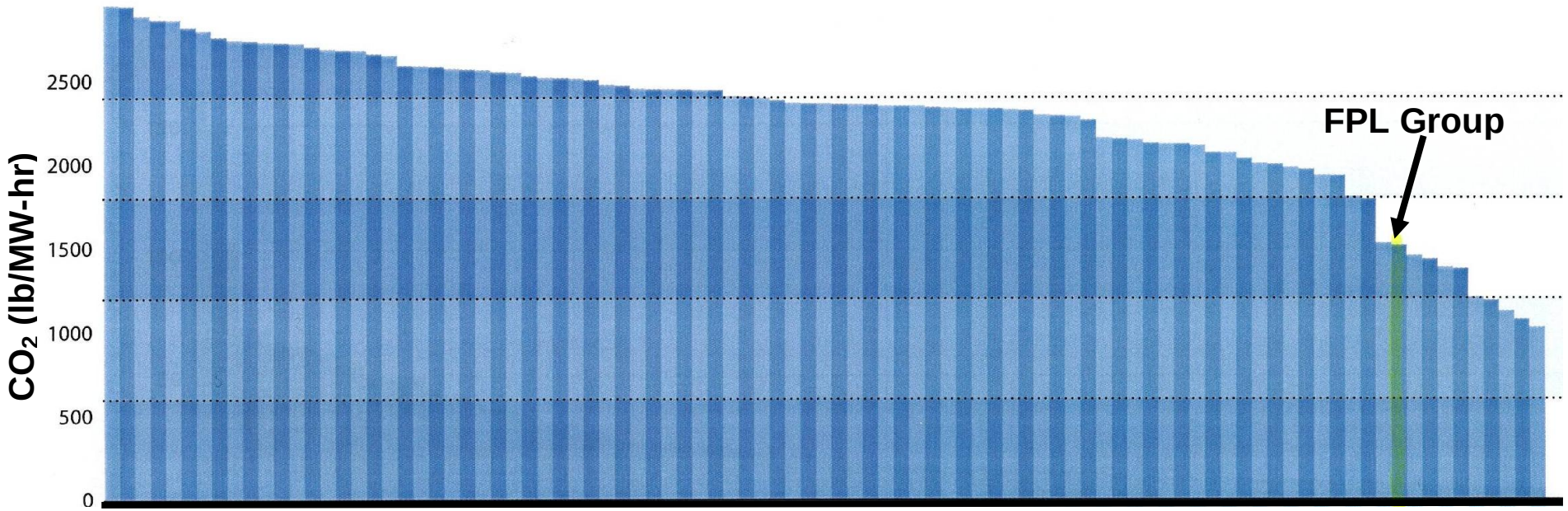

Figure 10.8-3
Fossil Fuel – CO_2 Emission Rates (lb/MW-hr) from U.S. Electric Generators.

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Source: Ceres, NRDC, PSEG, April 2006; Golder, 2007.

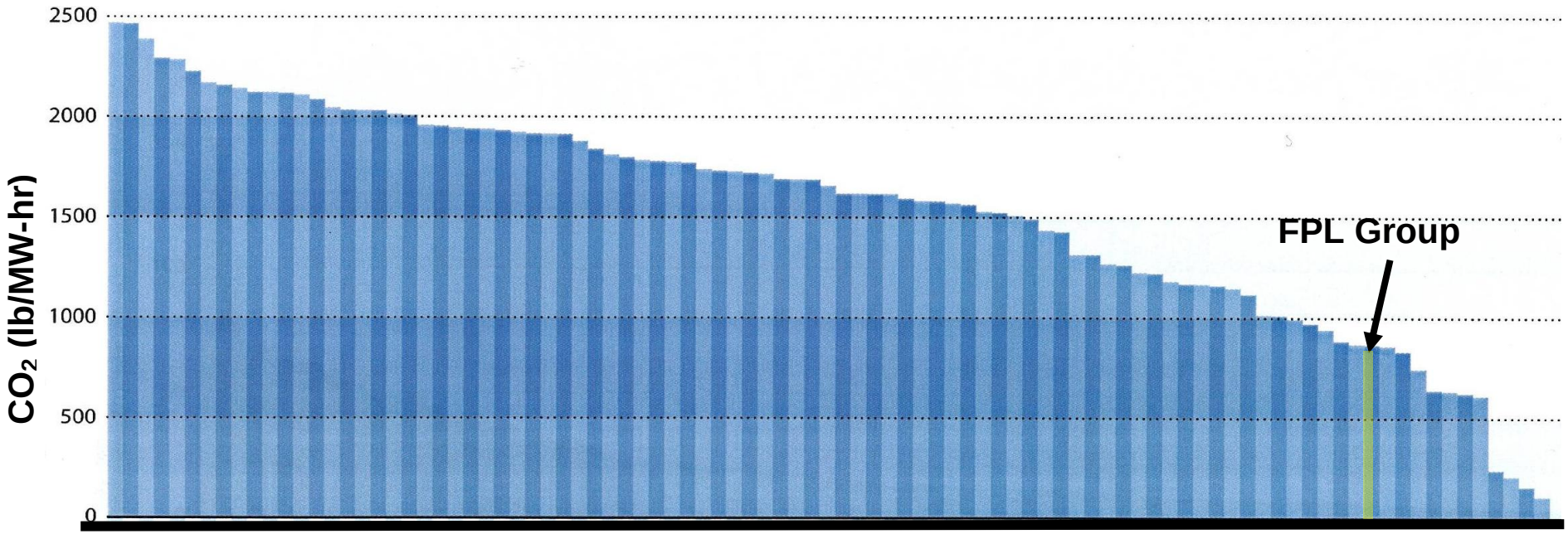

Figure 10.8-4
All Generation Sources – CO_2 Emission Rates (lb/MW-hr) from U.S. Electric Generators.

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Source: Ceres/NRDC/PSEG, April 2006 ("Benchmarking Air Emissions"); Golder, 2007.

APPENDIX 10.9

THERMAL MODELING ANALYSIS

APPENDIX 10.9
CAPE CANAVERAL ENERGY CENTER PROJECT
THERMAL DISCHARGE MODELING STUDY

December 2008

TABLE OF CONTENTS

1.0 INTRODUCTION 1
2.0 METHODOLOGY 2
2.1 Normal Operation 2
2.1.1 Model 2
2.1.2 Plant Configuration 5
2.1.3 Receiving Body of Water Characteristics 5
2.2 Thermal Refuge 6
2.2.1 Model 6
2.2.2 Configuration 6
2.2.3 Receiving Body of Water Characteristics 7
3.0 MODELING RESULTS 7
3.1 Normal Operation 7
3.2 Thermal Refuge 8
4.0 CONCLUSIONS 9

LIST OF TABLES

Table 10.9-1 Enclosed Areas vs. Water Temperature

LIST OF FIGURES

Figure 10.9-1 Location of the FPL Cape Canaveral and Indian River Plants in Brevard County, Florida
Figure 10.9-2 FPL Cape Canaveral Plant Discharge Locations
Figure 10.9-3 Case 1 Isotherms (Existing Plant Full Load Wintertime)
Figure 10.9-4 Case 2 Isotherms (Existing Plant Full Load Summertime)
Figure 10.9-5 Case 3 Isotherms (Converted Plant Full Load Wintertime)
Figure 10.9-6 Case 4 Isotherms (Converted Plant Full Load Summertime)
Figure 10.9-7 Five Degree Isotherms
Figure 10.9-8 Predicted Winter Thermal Plume Areas
Figure 10.9-9 Predicted Summer Thermal Plume Areas
Figure 10.9-10 Manatee Thermal Refuge Temperature Contours

1.0 INTRODUCTION

The existing Cape Canaveral Plant is located on approximately 43 acres between Cocoa and Titusville in Brevard County, Florida (Figure 10.9-1). The Site is situated in a portion of Section 19, Township 23, and Range 36 and bordered on the east by the Indian River Lagoon (Intracoastal Waterway), on the west by U.S. Highway 1, on the south by Cottrell Avenue, and on the north by a priate medical/office facility. The Plant is situated on the western shore of the Indian River Lagoon.

The Cape Canaveral Plant Site includes the land that extends east into the Indian River Lagoon, which is also referred to as "the peninsula." The peninsula is a functioning and integral component of the FPL property and the existing Plant operations. Specifically, the peninsula was constructed by FPL to serve as a barrier for thermal discharge between the plant intake and discharge structures. In addition, the peninsula serves as a functioning barge slip that services the Plant.

The existing Cape Canaveral Plant currently consists of two nominal 400-megawatt (MW) units with conventional dual-fuel fired steam boilers and steam turbine generators. Each of these conventional steam boilers can burn No.6 fuel oil and natural gas. Unit 1 entered service in 1965 and Unit 2 entered service in 1969.

FPL intends to convert the existing Plant into a modern, highly efficient, lower-emission, clean energy center using the latest combined cycle technology. The converted Plant, which will be renamed the Cape Canaveral Energy Center (CCEC), will include a 3-on-1 combined cycle unit consisting of three new advanced combustion turbines (CTs) and one steam turbine/electric generator. The converted Plant will be capable of producing a nominal 1,250 MW of electricity. The existing units will be dismantled with the exception of the once-through cooling water intake and discharge structures. CCEC will be connected to the existing intake and discharge structures.

A comparative analysis of the extent of the full load thermal plume for both the existing units and CCEC was performed using a computerized mathematical thermal model. Analyses have also been performed for a proposed electric heating system which will be installed to provide a thermal refuge for manatees while the existing Plant is offline for construction of CCEC. This report describes the assumptions and details of the analyses that were performed, and the results of those analyses.

2.0 METHODOLOGY

2.1 Normal Operation

2.1.1 Model

Golder Associates Inc. (Golder) used the EQTP model to produce simulations of the thermal plume for both the existing units and the converted Plant, for design full load conditions. Because EQTP is a steady state predictive model, the input data for each run reflected the average meteorology, Indian River Lagoon morphology, and Plant conditions over a 5-day period, ending on the date of the thermal survey. The output of this model includes the surface heat exchange coefficient, and an upper limit of the area that could be enclosed by each isotherm (assuming all cooling is atmospheric and none is by dilution with ambient waters).

EQTP is a steady state energy balance computer model which simulates the expected thermal performance of a heated water body with respect to both temperature and evaporation effects. The program assumes that heat transfer to and from a heated water body is a function of the water's equilibrium temperature. This model was originally described by Patterson, Leporati, and Scarpa ("The Capacity of Cooling Ponds to Dissipate Heat", Ebasco Services Incorporated, presented at the 33rd Annual Meeting of the American Power Conference, Chicago, Illinois, April 20 through 22, 1971.)

The problem of predicting the steady-state temperatures in a heated water body reduces to a quantitative determination of the energy transfer through a boundary between the atmosphere and the water. The processes involved in the heating and cooling of water mass can be summarized as follows:

Heating Process	Cooling Process
1. Absorption of short-wave radiation from the sun and the sky, Hs	1. Reflection of short-wave solar radiation by the water, Hsr
2. Absorption of longwave radiation from the atmosphere, Ha	2. Reflection of longwave atmospheric radiation by the water, Har
3. Heat rejected to the water by the plant, Hp	3. Longwave radiation emitted by the water, Hbr
4. Convection of heat through the bottom of the water body from the interior of the earth	4. Conduction of sensible heat to the atmosphere, Hc
5. Transformation of kinetic energy to heat	5. Heat carried away by evaporation, He
6. Heating due to chemical processes	
7. Condensation of water vapor	

In the heating process, terms 4 through 7 are small in comparison with terms 1 through 3 and, therefore, can be neglected. Thus the following equation is solved within the steady state model:

$$Hs + Ha + Hp - Hsr - Har - Hbr - Hc - He = 0$$

where: $Hs = Ho\ (0.61S+0.35)$

Ho = the solar and sky short-wave radiation received on a horizontal surface of the earth during a cloudless day

S = percentage of possible sunshine

$Ha = 4.15 \times 10^{-8}\ (Ta + 460)^4\ [C+0.03\ 1\ (e_a)^{1/2}]$ Btu / ft^2 / day

Ta = the ambient air temperature, °F

C = Brunt coefficient determined from air temperature and the ratio of solar radiation and clear-sky solar radiation, dimensionless

e_a = air vapor pressure, mm Hg

$Hbr = \gamma w \sigma (Ts + 460)^4$ Btu / ft^2 / day

γw = emissivity of water = 0.97, dimensionless

σ = Stephan-Boltzman constant = 4.15×10^{-8} Btu / ft^2 / day

Ts = water surface temperature, °F

$He = (73 + 7.3W)(e_s - e_a)$ Btu / ft^2 / day

W = wind speed measured 25 feet above ground-level, miles per hour (mph)

e_s = saturation vapor pressure determined from the water surface temperature, mm Hg

e_a = air-vapor pressure, mm Hg

$Hc = 0.26(73 + 7.3W)(Ts - Ta)(P/760)$ Btu / ft^2 / day

Ta = ambient air temperature, °F

Ts = water surface temperature, °F

W = wind speed, mph

P = barometric pressure, mm Hg

To determine the distribution of temperature throughout the water body, a heat exchange coefficient, which describes the rate of heat lost across the air-water interface per unit area per unit temperature increase, is calculated as follows:

$$Kf = Hp/[At(Ef-En)]$$

where: Kf = the forced heat exchange coefficient, Btu / ft^2 / day / °F

At = total effective area of the cooling pond, ft^2

Hp = plant heat rejection rate, Btu / day

Ef = forced equilibrium temperature, °F

En = natural equilibrium temperature, °F

For an open cycle water body, the temperature at the circulating water intake is set to En. The temperature distribution within the water body can then be calculated as follows:

$$T-En= \Delta T/(e^{r1})$$

where: T = the temperature at any point in the pond, °F

r_1 = KnA / ρCpQp

A = effective area between the circulating water discharge point and the point in question, ft^2

The primary assumption of the model is that of the steady state energy balance. This assumption provides the limitation that the model time step has to be long enough for transient factors to be dampened out. For example, the diurnal variation in air temperature occurs too fast for a large body of water to follow; therefore, the minimum time step that is usually appropriate has been found to be 5 days. The model derivation also assumes that the only mechanisms of heat transfer into the heated water body that need to be considered are the absorption of short-wave radiation from the sun and the sky, the absorption of long-wave radiation from the atmosphere, and the heat rejected to the water body by the plant.

Because the Plant operates in the open-cycle configuration, the hot and cold water temperatures are known, and the only unknown variable is the heat exchange coefficient. Based on the same theoretical energy balance budget approach, the U.S. Environmental Protection Agency (EPA) has calculated and published the natural heat exchange coefficients for various locations throughout the U.S. ("*Effect of Geographical Variation on Performance of Recirculating Cooling Ponds*", Edward L. Thackston, National Environmental Research Center, EPA, Corvallis, Oregon, November, 1974,

EPA-660/2-74-085). Natural heat exchange coefficients published by EPA for Jacksonville, Florida, have been used for this effort because it is the closest station in their publication.

2.1.2 Plant Configuration

The existing Plant configuration includes a separate discharge structure for each unit's once-through cooling water discharge, and a third discharge midway between those structures for Auxiliary Equipment Cooling Water (AECW). The converted Plant will continue to use these existing discharge structures. These structures are shown on Figure 10.9-2. The once-through cooling water structures each terminate in two rectangular openings, with a full flow average discharge velocity of about 2.6 feet per second (fps). The full-load discharge flow rate of the existing Plant is about 570,800 gallons per minute (gpm), with a discharge plant heat rate of about 3.95 billion Btu per hour (BBtu/hr). This results in a full load overall temperature rise of about 14.2°F for the existing Plant.

The converted Plant will have a steam generating capacity less than that of the existing Plant, which will result in a full load discharge plant heat rate of about 2.95 BBtu/hr, about 25 percent less than the existing Plant. Because the discharge heat rate will be reduced, the discharge flow rate will also be reduced to maintain approximately the same full-load overall temperature rise of 14.2°F. The total discharge flow rate for the converted Plant is estimated to be 428,795 gpm or about 25 percent less than the existing plant.

2.1.3 Receiving Body of Water Characteristics

The existing plant, and the Reliant (formerly Orlando Utilities Commission) Indian River Plant, are both situated on the western shore of the Indian River Lagoon (see Figure 10.9-1). Two key receiving body-of-water (RBW) characteristics that determine which thermal model is most appropriate are the depth of the water body and the ambient water temperature.

Based on review of the navigation charts of the area (U.S.C. and G.S. Nautical Chart 1245, Ponce de Leon Inlet to Cape Canaveral; and NOAA NOS Nautical Chart 11484, Ponce de Leon Inlet to Cape Canaveral), as well as the appropriate U.S. Geological Survey (USGS) topographical quad sheets (USGS 7.5-minute quadrangles Courtenay and Sharpes), it is concluded that the RBW is relatively shallow and generally less than 5 feet in depth except in the vicinity of the Intracoastal Waterway. The Intracoastal Waterway itself has a project depth of only 10 feet. Based on these depths, it is assumed that there is minimal mixing with ambient water from beneath or beside the thermal plume and that the heat transfer is predominantly to the atmosphere, as is assumed by the EQTP model. This assumption also ignores ambient currents and tidal stages; as a result the modeling is considered

conservative in that predicted isotherms will be larger than actual isotherms. However, for the purpose of this analysis, which is to compare pre-existing with post-Project conversion isotherms, the relative sizes of the differential areas is expected to be representative of the differences expected between the two cases.

The nearest long-term water temperature monitoring station unaffected by the two plants, identified from the St. Johns River Water Management District web site, is Station Number 27010875. Over the 10-year Period of Record between May 30, 1995, and November 7, 2005, the following ambient water temperatures were determined:

Maximum	90°F
Average	76°F
Minimum	55°F

Based on the temperature analysis, two seasons were selected for modeling: 1) summer during which the maximum surface heat transfer is expected to occur, and 2) winter during which the minimum surface heat transfer is expected to occur. The ambient water temperatures selected for modeling the two seasons are 90°F for summer and 55°F for winter.

2.2 Thermal Refuge

2.2.1 Model

The EQTP model described in Section 2.1.1 above was also used to analyze the thermal discharge during operation of the converted Plant and during operation of the proposed electric heating system that will be used to supply a warm water refuge for manatees during the construction of CCEC after the existing Plant is removed from service.

2.2.2 Configuration

FPL currently operates under a Manatee Protection Plan to minimize adverse cold water temperature impacts to the manatees that may congregate in the OTCW discharge area during operation of the existing Plant. FPL currently provides a warm water refuge for the manatees during the period from November 15 through March 31 of each year, in the event the ambient water temperature falls below 61°F (see Appendix 10.2 for Manatee Protection Plan).

During construction of CCEC, FPL proposes using a 30-million Btu per hour electric heater system to provide warm water during these conditions. The design flow rate and temperature rise for this system are 3,884 gpm and 15°F, respectively. Water will be pumped from the intake location through a temporary inlet pipe, through the heater system where it will undergo the temperature rise and back through a discharge pipe (Figure 10.9-2).

2.2.3 Receiving Body of Water Characteristics

The electric heater system will be located to discharge into the western end of the intake canal, where the water depth is approximately 11.5 to 14 feet deep. The intake will be located approximately 1,000 feet east of the discharge, along the shore of the intake canal.

The minimum ambient water temperature case as described in Section 2.1.3 above was used to identify the appropriate meteorological parameters for modeling the thermal refuge conditions. These meteorological conditions, coincident with the minimum temperature of 55°F, which occurred on December 17, 1997, were obtained from the same data source as the water temperatures. The EQTP model was used to estimate the steady state conditions which would have occurred if those meteorological conditions persisted until equilibrium was achieved.

Based on the Manatee Protection Plan, an area with a water temperature of 68°F or above is desired whenever the ambient water temperature drops below 61°F at the measurement point.

3.0 MODELING RESULTS

3.1 Normal Operation

Modeling was performed for four cases as summarized below:

Case 1	Existing Plant	100 percent Capacity Factor	Winter
Case 2	Existing Plant	100 percent Capacity Factor	Summer
Case 3	Converted Plant	100 percent Capacity Factor	Winter
Case 4	Converted Plant	100 percent Capacity Factor	Summer

Once the natural heat exchange coefficient was determined for each case, it was used to calculate the area enclosed within each isotherm from 1°F to 14°F above the ambient. Based on measured isotherms reported in the original 316 demonstration for the existing Cape Canaveral Plant (Biological and Environmental Studies at the Florida Power & Light Company Cape Canaveral Plant

and the Orlando Utilities Commission Indian River Plant, Applied Biology, Inc., and Ray L. Lyerly & Associates, October, 1980), and best engineering judgment, the calculated areas were distributed over the surface of the Indian River Lagoon as they would occur during slack tide, ignoring the impact of the Reliant Indian River Plant. This approach provides the best estimate of the differential enclosed areas due to the Cape Canaveral Plant alone under assumed worst-case mixing conditions.

The resultant predicted surface temperature isotherms are presented in Figures 10.9-3 through 10.9-6 for Cases 1 through 3, respectively. Comparison of Cases 1 (Figure 10.9-3, existing Plant full load wintertime) and 2 (Figure 10.9-4, existing Plant full load summertime) verifies that the full load thermal plume is smaller for the existing Plant during summertime as expected. Comparison of Cases 1 and 3 (Figure 10.9-5, converted Plant full load wintertime) verifies that the full load thermal plume in winter will be significantly smaller after conversion, as expected. Comparison of Cases 2 and 4 (Figure 10.9-6, converted Plant full load summertime) verifies that the full load thermal plume in summer will also be significantly smaller after conversion, as expected. Figure 10.9-7 portrays the 5°F isotherm above ambient for each of the four full load modeled cases. Figure 10.9-7 demonstrates that the full load wintertime plumes (light purple and light green) are larger than the full load summertime plumes (dark purple and dark green), and that the full load converted Plant plumes (green) are each smaller than the existing Plant's full load plumes (purple) of the same season. Table 10.9-1 tabulates the areas enclosed within each isotherm for each modeled case. Figures 10.9-8 and 10.9-9 present the data graphically for the winter and summer cases, respectively.

3.2 Thermal Refuge

Meteorology used to model the thermal refuge included the following:

% Sunshine – 75%
Ambient Dry Bulb Temperature – 34.9°F
Wind speed – 14.6 mph
Barometric Pressure – 766.8 mm Hg
Ambient Dew Point – 33°F

The model predicted that the natural equilibrium water temperature that would occur if these meteorological conditions persisted is 36.7°F. The temporary intake and discharge locations, shown in Figure 10.9-10, were located such that the thermal plume would cover approximately 3.5 acres and recirculate so that the discharge temperature would be 77.4°F.

4.0 CONCLUSIONS

As expected, the reduction in the amount of heat rejected by the converted plant at full load results in a reduction in the size of the thermal plume of about 25 percent (see Table 10.9-1). During the summer, the 5°F above ambient temperature isotherm is predicted to be reduced from 1,052 to 786 acres, a reduction of approximately 25 percent. During winter, the 5°F isotherm is predicted to be reduced from 1,776 to 1,327 acres, also a reduction of approximately 25 percent. The converted Plant will continue to provide a wintertime thermal refuge for manatees.

During construction, the proposed electric heating system will provide a thermal refuge for manatees if the ambient water temperature falls below 61°F. During these conditions, the heating system is predicted to provide a warm water refuge (approximately 2.05 acres) at or above 68°F in compliance with the Manatee Protection Plan.

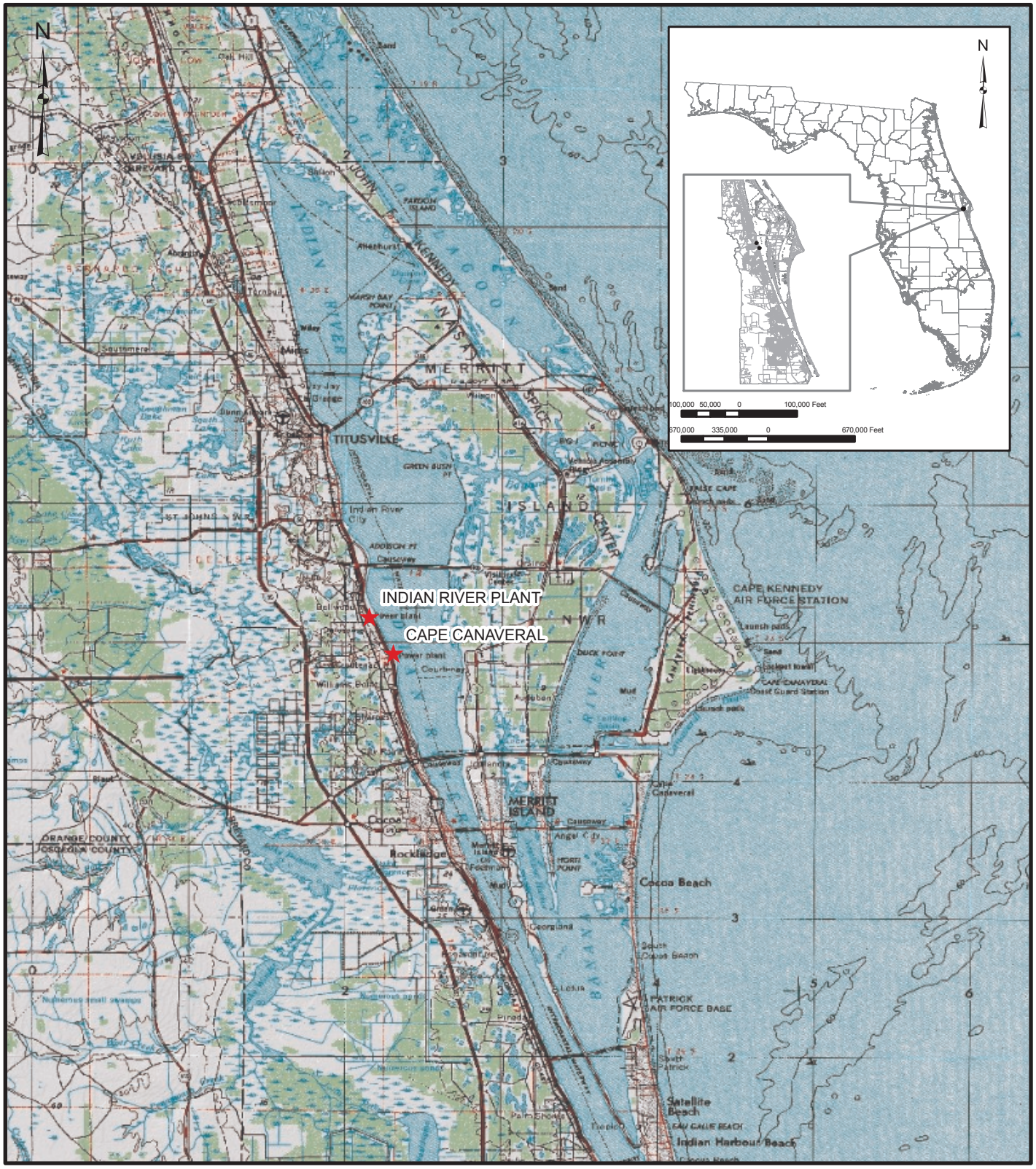
TABLE 10.9-1
ENCLOSED AREAS VS. WATER TEMPERATURE

Winter - 100% Capacity		
Water Temperature	**Case 1 Acres Enclosed**	**Case 3 Acres Enclosed**
70.0	0	0
69.0	22	0
68.0	148	10
67.0	284	112
66.0	433	224
65.0	595	346
64.0	775	481
63.0	975	631
62.0	1,203	802
61.0	1,466	1,000
60.0	1,776	1,233
59.0	2,157	1,519
58.0	2,647	1,887
57.0	3,338	2,406
56.0	4,519	3,294

Summer - 100% Capacity		
Water Temperature	**Case 2 Acres Enclosed**	**Case 4 Acres Enclosed**
103.8	13	0
102.8	88	6
101.8	168	66
100.8	256	132
99.8	352	205
98.8	459	285
97.8	578	374
96.8	712	475
95.8	868	592
94.8	1,052	730
93.8	1,277	899
92.8	1,567	1,117
91.8	1,976	1,425
90.8	2,676	1,950

TABLE 10.9-2
CAPE CANAVERAL CAPACITY FACTORS 3003-2007

	Capacity Factor (%)		
	PCC-01	**PCC-02**	**Total**
January, 2003	24.58	69.08	46.83
February, 2003	30.38	32.29	31.34
March, 2003	47.31	41.9	44.6
April, 2003	41.63	39.35	40.49
May, 2003	69.73	68.24	68.99
June, 2003	67.52	65.72	66.62
July, 2003	64.93	59.19	62.06
August, 2003	60.12	63.26	61.69
September, 2003	64.52	58.26	61.39
October, 2003	64.64	58.64	61.64
November, 2003	12.97	35.14	24.06
December, 2003	44.17	0.38	22.28
January, 2004	41.54	45.75	28.65
February, 2004	36.91	27.12	32.02
March, 2004	20.9	32.91	26.9
April, 2004	27.48	23.31	25.4
May, 2004	48.91	46.45	47.68
June, 2004	61.75	60.62	61.19
July, 2004	64.8	64.83	64.81
August, 2004	63.35	53.76	58.56
September, 2004	41.82	47.94	44.83
October, 2004	25.45	21.21	23.33
November, 2004	16.3	28.25	22.28
December, 2004	13.28	28.37	20.82
January, 2005	14.32	34.57	22.94
February, 2005	18.1	29.34	23.72
March, 2005	36.35	25.85	31.1
April, 2005	16.99	26.88	21.93
May, 2005	38.32	23.11	30.71
June, 2005	30.83	40.24	35.54
July, 2005	35.73	68.01	51.87
August, 2005	60.92	60.01	60.47
September, 2005	65.41	54.52	59.83
October, 2005	34.57	33.66	34.12
November, 2005	25.13	21.14	54.31
December, 2005	38.66	21.2	29.93
January, 2006	12.15	12.05	12.1
February, 2006	13.71	17.59	15.65
March, 2006	14.05	0.86	7.46
April, 2006	37.65	30.02	33.83
May, 2006	33.3	31.46	32.38
June, 2006	44.26	45.77	45.02
July, 2006	49.95	50.13	50.04
August, 2006	53.91	44.69	49.3
September, 2006	44.6	40.17	42.38
October, 2006	39.9	34.09	36.99
November, 2006	7.39	28	17.7
December, 2006	17.05	18.36	17.71
January, 2007	10.87	24.44	17.92
February, 2007	36.45	41.5	39.08
March, 2007	12.29	15.74	14.08
April, 2007	31.21	46.12	38.96
May, 2007	34.48	44.26	39.56
June, 2007	14.2	32.77	23.85
July, 2007	41.46	42.68	42.09
August, 2007	56.1	44.8	50.23
September, 2007	42.94	31.02	36.74
October, 2007	53.92	47.1	50.37
November, 2007	4.91	10.23	7.68
December, 2007	16.05	15.27	15.65



REFERENCE

1. Imagery, USA Imagery.lyr, ESRI, 2006

35,000 0 35,000 Feet

FPL	SCALE	AS SHOWN	TITLE
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PROJECT No. 083-87633	GIS	NRL	
FILE No. 08387633CA023 REV. 0	CHECK	RCM	PROJECT FPL CAPE CANAVERAL ENERGY CENTER
	REVIEW	KFK	**FIGURE 10.9-1**

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REFERENCE

1. Imagery, ESRI_Imagery_World_2D.lyr

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SCALE AS SHOWN

PROJECT

FPL
CAPE CANAVERAL ENERGY CENTER

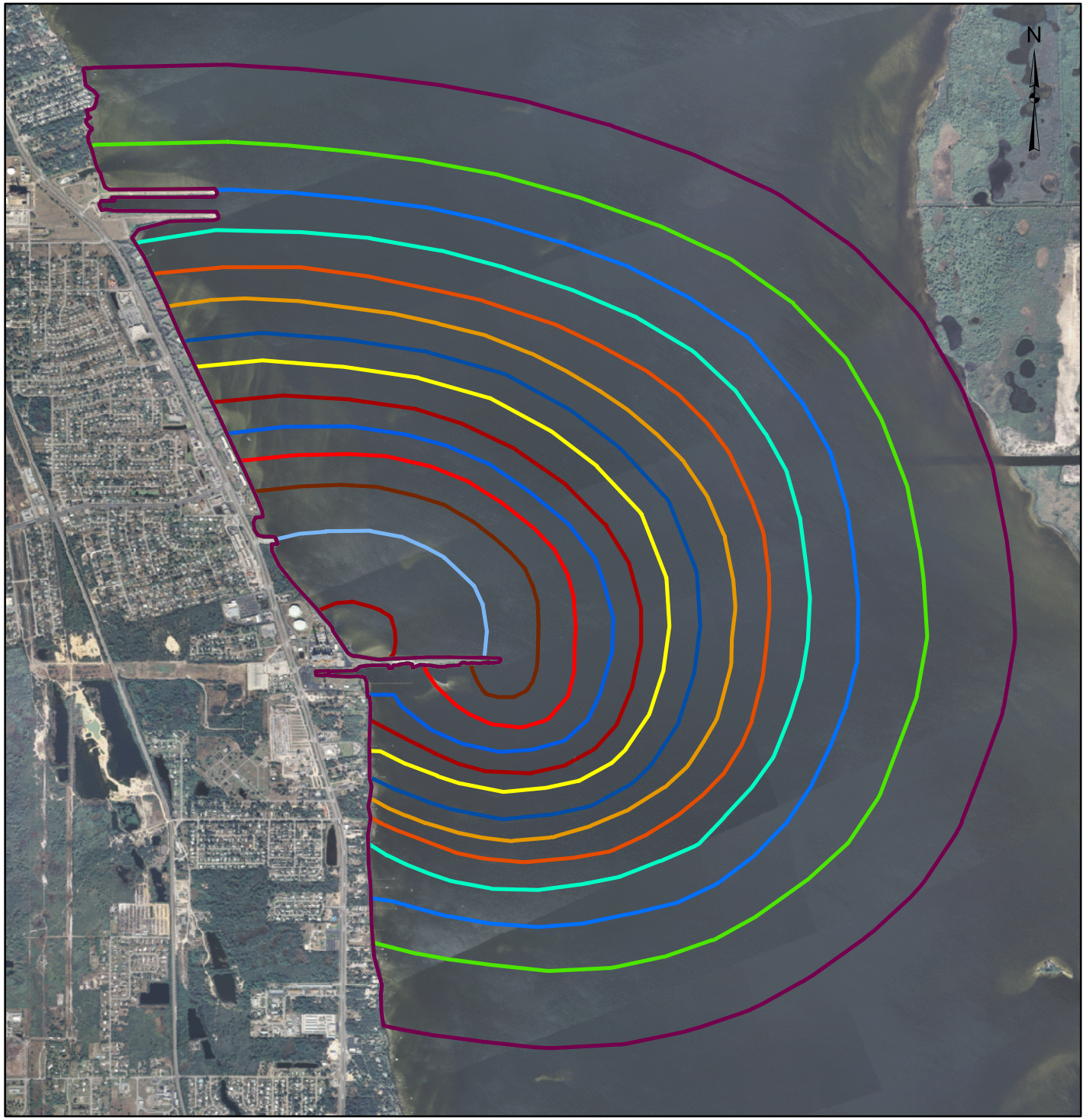
TITLE

FPL Cape Canaveral Plant Discharge Locations

PROJECT No. 083-87633			File No.	REV. 0
DESIGN	KK	10/07/2008		
GIS	KK	10/07/2008		
CHECK				
REVIEW				

FIGURE 10.9-2

P:\GIS\PROJECTS\2008\083-87633_FPL_CCEC_RBEC_Conversion\Canaveral\CA_SCA\ActiveMapDocuments\083876333CA024_FPL Cape Canaveral Plant Discharge Locations.mxd



LEGEND

Enclosed Temperature (degrees F)

- 56
- 57
- 58
- 59
- 60
- 61
- 62
- 63
- 64
- 65
- 66
- 67
- 68
- 69

NOTES

Ambient Water Temperature = 55.0° F

REFERENCE

1. Imagery, ESRI_Imagery_World_2D.lyr

0 1,000 2,000 4,000 Feet

SCALE AS SHOWN

PROJECT

FPL

CAPE CANAVERAL ENERGY CENTER

TITLE

Case 1 Isotherms

(Existing Plant Full Load Wintertime)

PROJECT No. 083-87633			File No.	REV. 0
DESIGN	KK	10/07/2008		
GIS	KK	10/07/2008		
CHECK				
REVIEW				

FPL

FIGURE 10.9-3

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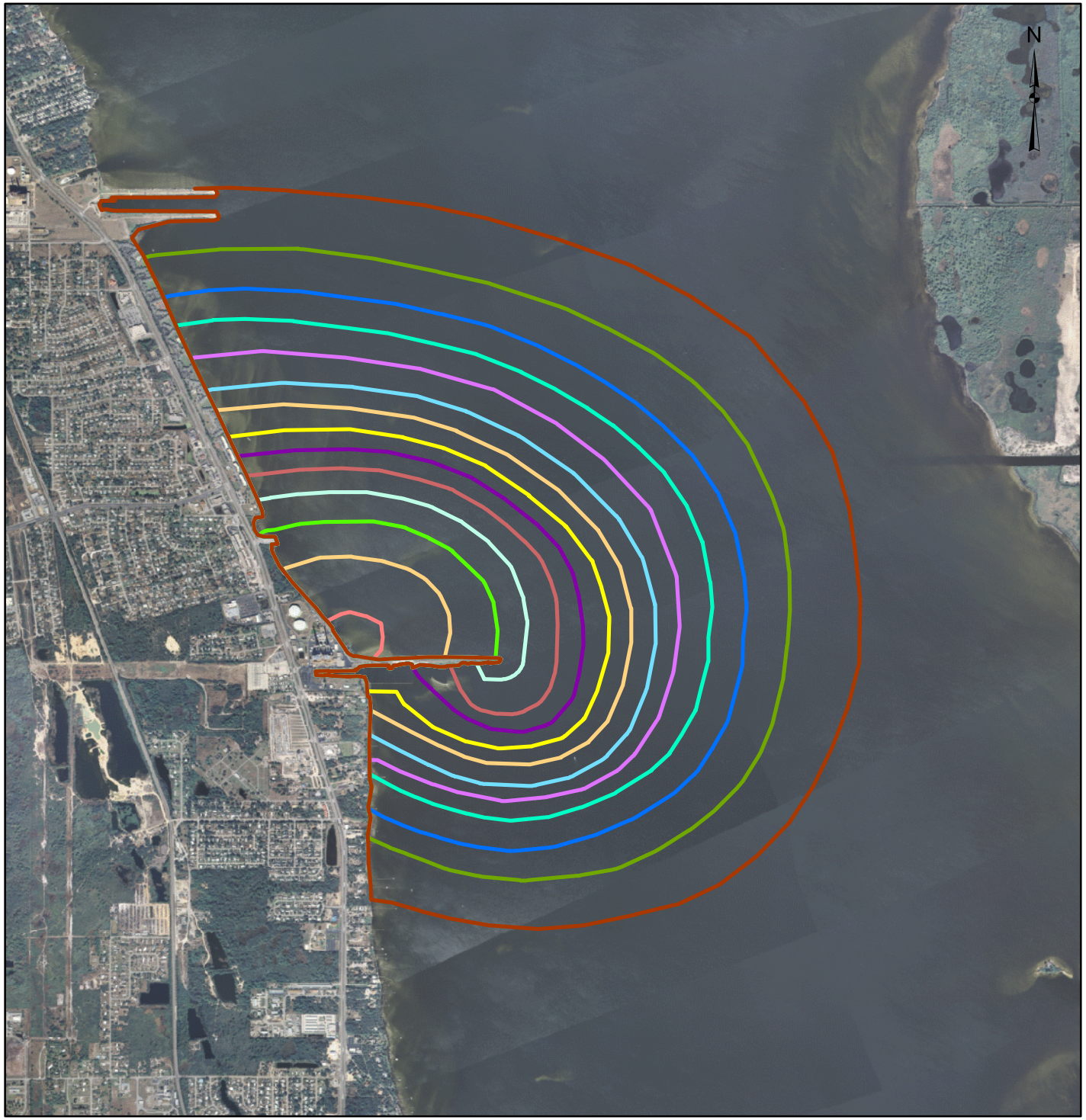

LEGEND

Enclosed Temperature (degrees F)

- 90.8
- 91.8
- 92.8
- 93.8
- 94.8
- 95.8
- 96.8
- 97.8
- 98.8
- 99.8
- 100.8
- 101.8
- 102.8
- 103.8

NOTES

Ambient Water Temperature = 89.9° F

REFERENCE

1. Imagery, ESRI_Imagery_World_2D.lyr

0 1,000 2,000 4,000 Feet

SCALE AS SHOWN

PROJECT

FPL
CAPE CANAVERAL ENERGY CENTER

TITLE

Case 2 Isotherms
(Existing Plant Full Load Summertime)

PROJECT No. 083-87633			File No.	REV. 0
DESIGN	KK	10/07/2008		
GIS	KK	10/07/2008		
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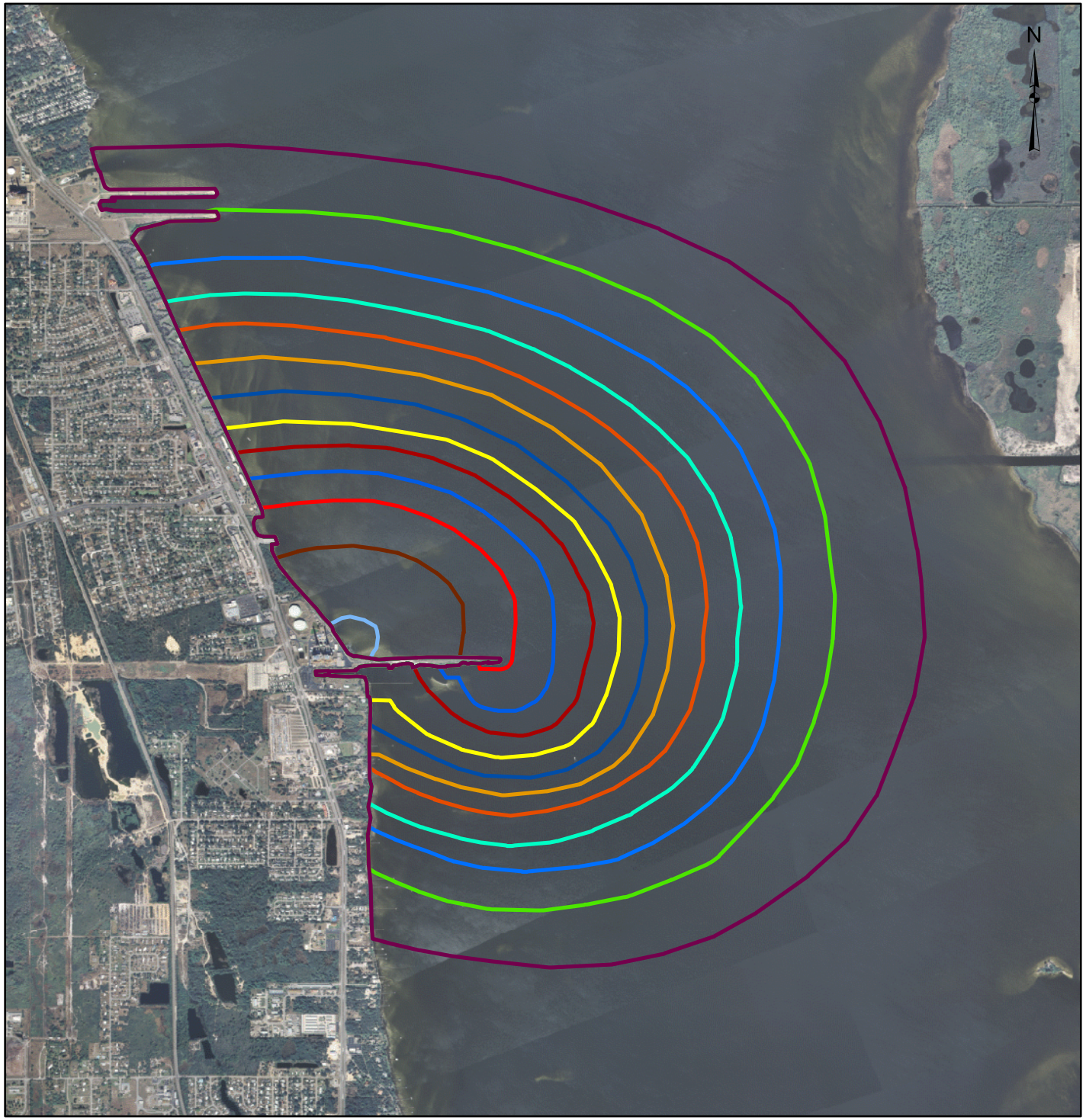
REVIEW				

FIGURE 10.9-4

P:\GIS\PROJECTS\2008\083-87633_FPL_CCEC_RBEC_Conversion\Canaveral\CA_SCA\ActiveMapDocuments\083876330CA027_Case 2 Isotherms Existing Plant Wintertime.mxd



LEGEND

Enclosed Temperature (degrees F)

- 56
- 57
- 58
- 59
- 60
- 61
- 62
- 63
- 64
- 65
- 66
- 67
- 68

NOTES

Ambient Water Temperature = 55.0° F

REFERENCE

1. Imagery, ESRI_Imagery_World_2D.lyr

0 1,000 2,000 4,000 Feet

SCALE AS SHOWN

PROJECT

FPL

CAPE CANAVERAL ENERGY CENTER

TITLE

Case 3 Isotherms

(Converted Plant Full Load Wintertime)

PROJECT No. 083-87633			File No.	REV. 0
DESIGN	KK	10/07/2008		
GIS	KK	10/07/2008		
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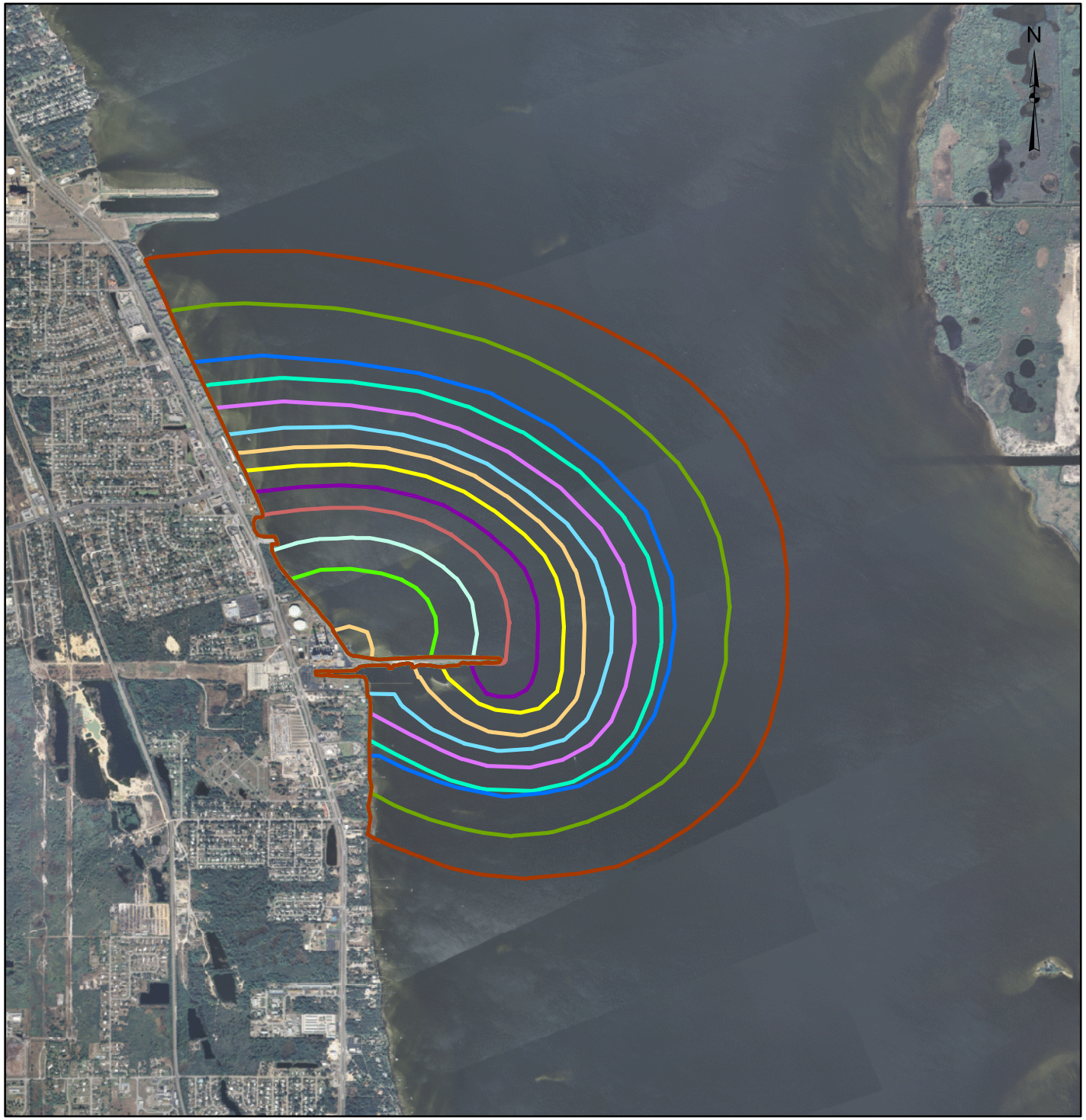
REVIEW				

FIGURE 10.9-5

P:\GIS\PROJECTS\2008\083-87633_FPL_CCEC_RBEC_Conversion\Canaveral\CA_SCA\ActiveMapDocuments\083876330CA027_Case 3 Isotherms Existing Plant Wintertime.mxd



LEGEND

Enclosed Temperature (degrees F)

- 90.8
- 91.8
- 92.8
- 93.8
- 94.8
- 95.8
- 96.8
- 97.8
- 98.8
- 99.8
- 100.8
- 101.8
- 102.8

NOTES

Ambient Water Temperature = 89.8 ^{0} F

REFERENCE

1. Imagery, ESRI_Imagery_World_2D.lyr

0 1,000 2,000 4,000 Feet

SCALE AS SHOWN

PROJECT

FPL
CAPE CANAVERAL ENERGY CENTER

TITLE

Case 4 Isotherms
(Converted Plant Full Load Summertime)

PROJECT No. 083-87633			File No.	REV. 0
DESIGN	KK	10/07/2008		
GIS	KK	10/07/2008		
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REVIEW				

FIGURE 10.9-6

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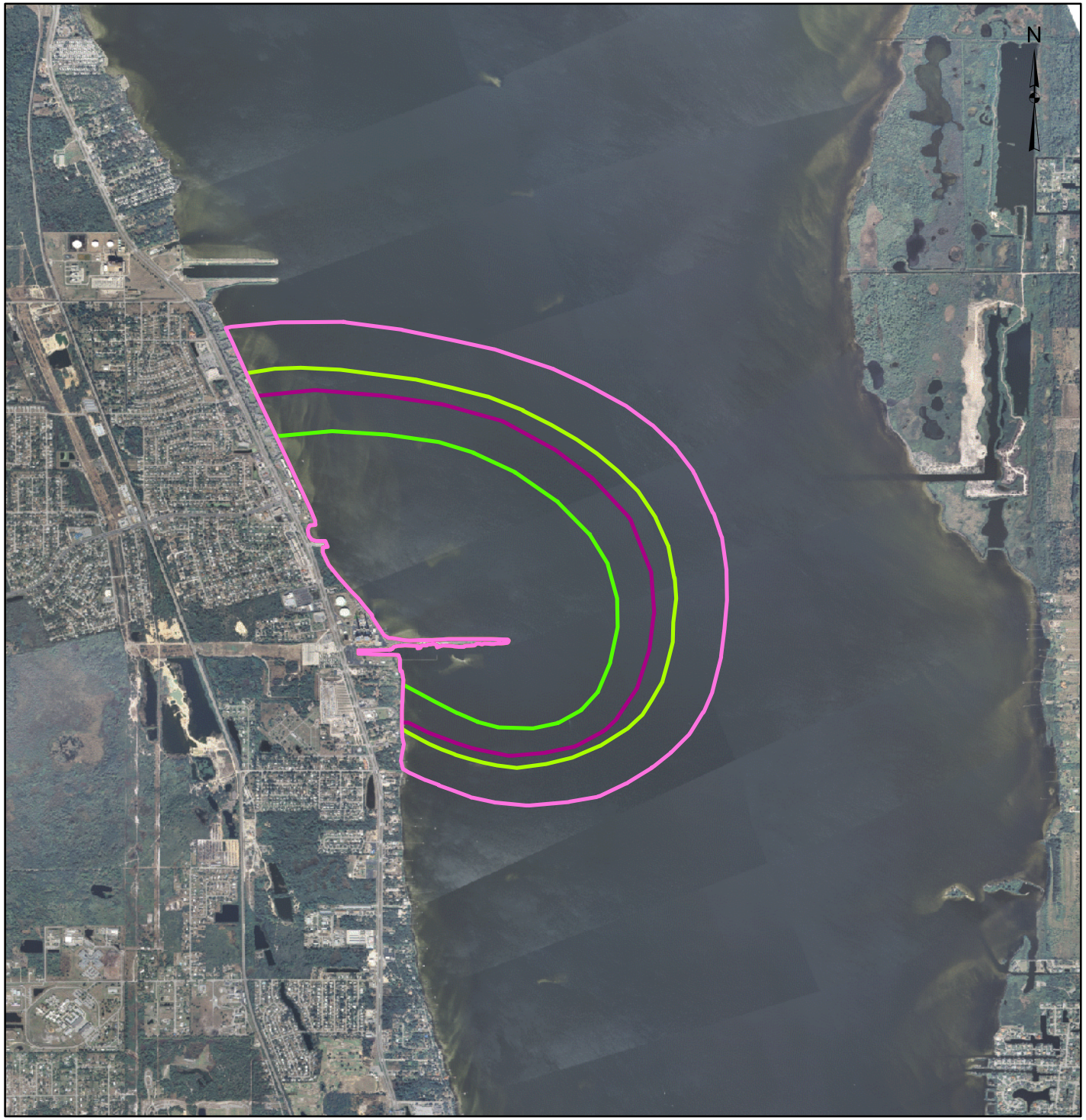

LEGEND

- Case4 - Converted Plant Full Load - Summer Time
- Case3 - Converted Plant Full Load - Winter Time
- Case2 - Existing Plant Full Load - Summer Time
- Case1 - Existing Plant Full Load - Winter Time

NOTES

Ambient Water Temperatures:
Winter = 55.0^{0} F
Summer = 89.8^{0} F

REFERENCE

1. Imagery, ESRI_Imagery_World_2D.lyr

0 1,200 2,400 4,800 Feet

SCALE AS SHOWN

PROJECT

FPL
CAPE CANAVERAL ENERGY CENTER

TITLE

Five Degree Isotherms

PROJECT No. 083-87633			File No.	REV. 0
DESIGN	KK	10/07/2008		
GIS	KK	10/07/2008	FIGURE 10.9-7	
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REVIEW				

FPL

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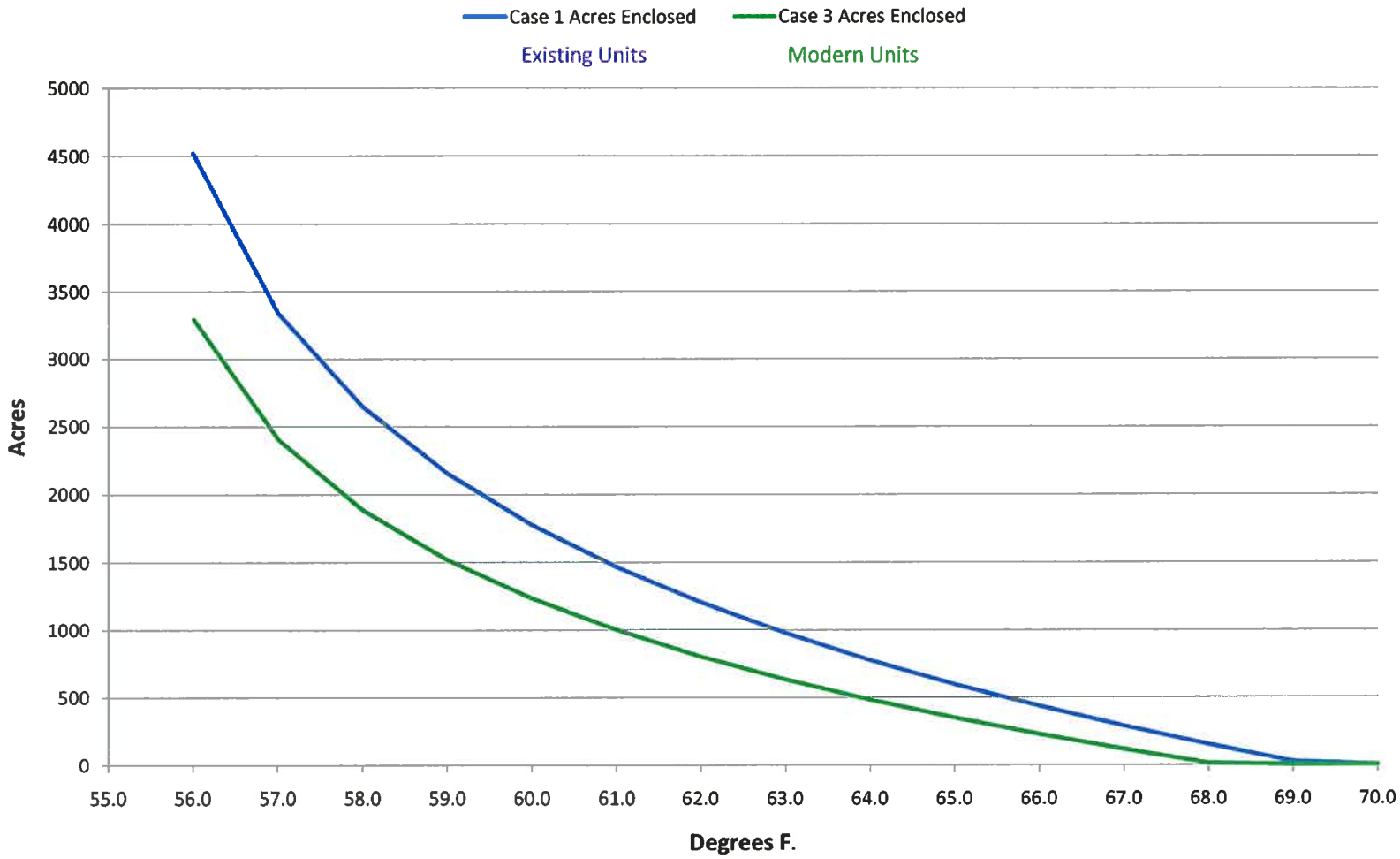
Figure 8. Predicted Winter Thermal Plume Areas



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SCALE AS SHOWN

PROJECT
FPL
CAPE CANAVERAL ENERGY CENTER

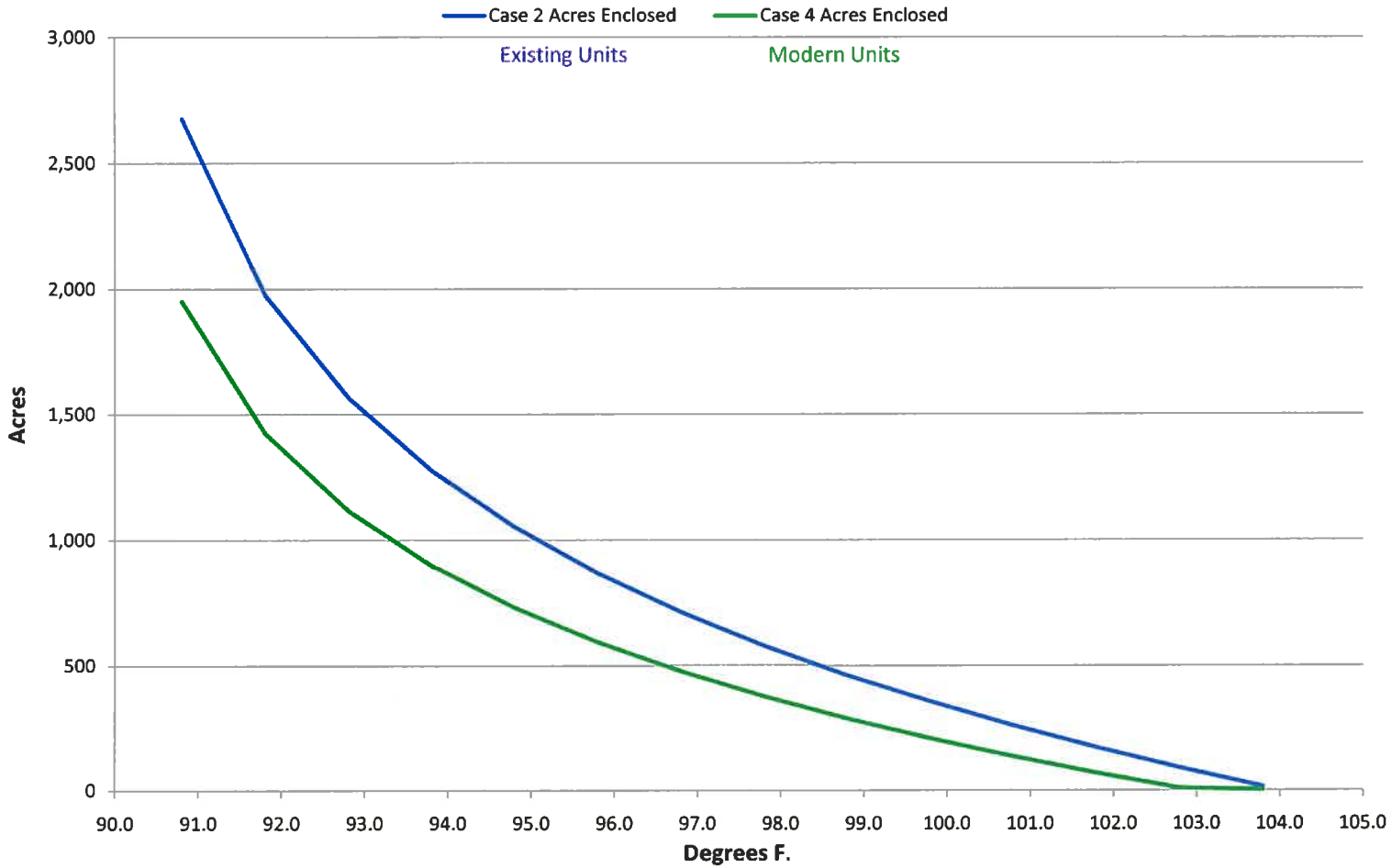
TITLE
Predicted Winter Thermal Plume Areas

PROJECT No. 083-87633			File No.	REV. 0
DESIGN	KK	10/07/2008	FIGURE 10.9-8	
GIS	KK	10/07/2008		
CHECK				
REVIEW				

FPL

P:\GIS\PROJECTS\2008\083-87633_FPL_CCEC_RBEC_Conversion\Canaveral\CA_SCA\ActiveMapDocuments\083-87633-CA036_FIGURE 10.9-8 Predicted Winter Thermal Plume Areas.mxd

Figure 9. Predicted Summer Thermal Plume Areas



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SCALE AS SHOWN

PROJECT
FPL
CAPE CANAVERAL ENERGY CENTER

TITLE
Predicted Summer Thermal Plume Areas

PROJECT No. 083-87633			File No.	REV. 0
DESIGN	KK	10/07/2008	FIGURE 10.9-9	
GIS	KK	10/07/2008		
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REVIEW				

FPL

P:\GIS\PROJECTS\2008\083-87633_FPL_CCEC_RBEC_ConversionCanaveral\CA_SCA\ActiveMapDocuments\083387633CA031_FIGURE 10.9-9 Predicted Summer Thermal Plume Areas.mxd

LEGEND

Enclosed Temperature (degrees F)

- 64
- 66
- 68
- 70
- 72
- 74
- 76

Discharge

Intake

NOTES

Ambient Water Temperature = 36.7° F

REFERENCE

1. Imagery, ESRI_Imagery_World_2D.lyr

0 125 250 500 Feet

SCALE AS SHOWN

PROJECT

FPL
CAPE CANAVERAL ENERGY CENTER

TITLE

Manatee Thermal Refuge (30 MBtu/hour) Temperature Contours

PROJECT No. 083-87633			File No.	REV. 0
DESIGN	KK	10/07/2008	FIGURE 10.9-10	
GIS	KK	10/07/2008		
CHECK				
REVIEW				

FPL

P:\GIS\PROJECTS\2008\083-87633_FPL_CCEC_RBEC_Conversion\Canaveral\CA_SCA\ActiveMapDocuments\083876330CA32_FIGURE 10.9-10 Manatee Thermal Refuge (30 MBtu/hour) Temperature Contours.mxd

APPENDIX 10.10

WATER ALTERNATIVES ANALYSIS

APPENDIX 10.10

WATER CONSERVATION PLAN
FPL CAPE CANAVERAL ENERGY CENTER

December 2008

SECTION PAGE

1.0 INTRODUCTION 1
2.0 PROJECT WATER DEMAND 2
3.0 WATER CONSERVATION PLAN 3
3.1 Water Conservation Measures 3
3.2 Reclaimed Water 4
3.3 Stormwater Reuse 4
3.4 Cooling Tower Practicality 5
3.5 Potable Water from City of Cocoa 6

1.0 INTRODUCTION

Florida Power & Light (FPL) is proposing to convert the existing Cape Canaveral Plant into a 3-on-1 combined cycle unit on a 43-acre Site in Brevard County at the location of the existing Plant. The Site is located west of the Indian River Lagoon, east of U.S. Highway 1, north of the Bennett Causeway, and south of the NASA Causeway. Across the river from the Plant is the Kennedy Space Center. The converted Plant, referred to as the Cape Canaveral Energy Center (CCEC), will be a modern, highly efficient, next-generation, clean energy center using the latest combined cycle technology that will be capable of producing a nominal 1,250 megawatts (MW) of electricity.

The existing Cape Canaveral Plant started operating in 1965. The existing Units 1 and 2 went into operation in 1965 and 1969, respectively, and are capable of producing a total of about 800 MW of power by burning either gas or oil. The existing Plant will be retired and dismantled prior to CCEC becoming operational.

The converted Plant will be significantly more efficient than the existing Plant, using at least 33 percent less fuel to produce the same amount of power. The water source for the cooling system will be the Indian River Lagoon, just as it is today. The Site and vicinity are described in detail in Chapter 3.0 of the SCA; the converted Plant and the proposed generating equipment are described in Chapter 4.0; and the construction and operational impacts are described in Chapters 5.0 and 6.0.

This Appendix discusses the Water Conservation Plan, as required by Section 12.3.2 of the Applicant's Handbook Consumptive Use of Water Chapter 40C-2, F.A.C., for the St. Johns River Water Management District.

2.0 PROJECT WATER DEMAND

In general, CCEC has four water demand requirements:

1. Cooling water to remove heat from the steam-cycle condenser and for auxiliary cooling, including cooling pump seal water and intake screen wash;
2. Process water, which is used primarily to make demineralized water for steam system makeup and for air emissions control and, secondarily, for washing operations and fire protection;
3. Potable water for use by employees; and
4. Landscape irrigation.

A water balance diagram is presented in Section 4.5 of this SCA. The table below summarizes the water demand requirements for the Project. Potable, process, and irrigation water will be supplied by the City of Cocoa.

3-on-1 Combined Cycle Unit	Annual Average [million gallons per day (mgd)]	Monthly Maximum (MG)	Maximum Daily (MG)
Cooling Water	619.078	19,191.418	619.078
Process Water	0.281	13.972	0.45
Potable Water	0.001	0.134	0.004
Irrigation	0.003	0.178	0.010

The once-through cooling water will be taken from the Indian River Lagoon as it is today. The converted Plant will have a steam generating capacity that is less than the existing plant and will use the existing circulating water intake and discharge structures. The design full-load cooling water heat rejection rate and temperature rise for the converted Plant will be approximately 2.95 billion British thermal units (Btus) per hour and 14.18 degrees Fahrenheit (ºF). The total discharge flow rate for the converted Plant will be 428,795 gallons per minute (gpm), about 25 percent less than the existing Plant.

3.0 WATER CONSERVATION PLAN

3.1 Water Conservation Measures

Combined cycle technology will be used at CCEC. With this technology, steam electric generation is only about 40 percent of the total generating capacity. The remaining 60 percent is produced by combustion turbines, which do not use water for condenser cooling. Consequently, this technology significantly reduces the requirement for cooling water. Because the combined cycle technology reduces the steam electric portion of the generating facility, it also reduces the amount of water required to make steam; thus, reducing the requirements for process water. It also provides the highest generation efficiency, with respect to conversion of fuel energy to electricity. This high efficiency minimizes fuel and water use and air emissions. In addition, since CCEC will be among the most efficient in the FPL system, operation of CCEC will offset fresh water use at other plants in the State.

The most thermodynamically efficient cooling process for the steam cycle is once-through cooling. As discussed above, this type of cooling system will continue to be used for the converted Plant. The nominal generating capacity will increase by 54 percent from 800 to 1,250 MW, with a 25 percent decrease in the design withdrawal rate or the design intake capacity.

CCEC will utilize demineralized water for makeup to replace blowdown from the Heat Recovery Steam Generators (HRSGs), which is necessary to maintain low dissolved solids in the HRSGs. The required makeup water to the HRSGs will be minimized by using good engineering design and best operating practices that reduce the required blowdown and by the recovery and reprocessing of water for reuse.

All systems that involve the use of water will be designed and operated to minimize water loss. This will include an in-service leak test, inspection, or hydro-test to ensure the system is leak tight. After commissioning, procedures will be in place to ensure that the systems are inspected on a regular basis and that a repair program is in place to repair any leaks quickly. Other features in the Plant design will include:

- Automatic shutoff valves;
- Flow restrictors;

- Low-volume sanitary facilities; and
- Drought resistant landscape design.

FPL will implement an awareness program for both construction and operational employees on water conservation for the Project. The awareness program will educate employees on water conservation methods, techniques, and requirements of in-place construction and operation procedures. Procedures for conservation will be developed before commencement of construction. Procedures for water conservation during Plant operation will be developed prior to commissioning the converted Plant. Procedures will be reviewed on a periodic basis and updated as necessary.

3.2 Reclaimed Water

Reclaimed water is available from the Port St. John WWTP (Brevard County). Up to about 150,000 gpd could be delivered for about 18 hours per day. FPL has evaluated this supply as a source for process water. Studies conducted by FPL show that use of this water source is not feasible and the St. Johns River Water Management District has agreed with FPL's conclusion (letter from SJRWMD, October 2008). The high nitrogen content would violate the Total Maximum Daily Load limit established by the Industrial Wastewater Facility Permit for the existing Plant. FPL as a company is committed to the use of reclaimed water in its facilities where it is economically, environmentally, and technically feasible. If a reliable source of reclaimed water can be delivered to the Site that meets the quantity and quality requirements of the CCEC environmental permits, FPL would evaluate the economic and technical feasibility of using the reclaimed source. If use of the reclaimed water source is determined by FPL to be feasible, FPL will at that time provide a plan to the appropriate regulatory agencies for implementation.

3.3 Stormwater Reuse

The size of the Site does not allow for efficient reuse of onsite stormwater. First, stormwater runoff from the Site could supply at most only 10 percent to 12 percent of the process and irrigation water demand. Furthermore, stormwater is usually available in significant quantities only for a relatively short time. By regulation, the stormwater management system must recover the required treatment storage volume within a specified and relatively short time. Consequently, if stormwater is to be used for process supply, a significant onsite storage capacity would be required, at least 0.5 million

gallons. Last, but not least, this supply would require an additional treatment system. The limited benefit does not justify the additional cost.

3.4 Cooling Tower Practicality

At the Site, the use of cooling towers is economically and environmentally deficient compared to alternatives and potentially damaging to the environment and local conditions.

First, the Site is relatively small. Consequently, the cooling towers cannot be located and oriented for optimum design efficiency.

Second, water available at the Site for cooling purposes (groundwater or surface water) is saline. Consequently, the water circulating within a cooling tower would contain significant amounts of salt; typically about 1.5 times that of the source water. The cooling tower drift (fine droplets of water entrained in the air moving through the cooling towers that escape the tower) could damage offsite property, such as homes and cars. On a small site, salt drift could also affect the reliability of Plant operations given the necessary proximity of the cooling towers, the switchyard and other electrical equipment.

Third, air emitted by the cooling towers is heated and saturated with water vapor. Under certain meteorological conditions, mixing of that saturated air with ambient air can result in condensation of water vapor causing the formation of ground level fog. The Cape Canaveral Plant is adjacent to a major roadway (U.S. Highway 1); such fog could obscure visibility and impact safety.

Fourth, cooling towers require more power to run the fans that move the air and to run the pumps that lift the water. The energy cost is typically about 1 percent of the steam power generated by the Plant, which means that an additional 3 to 4 MW must be generated and consumed by the converted Plant. Consequently, more fuel is consumed and air emissions increase per unit of electricity produced.

Last, but not least, the once-through cooling water system does have a positive environmental benefit. The warm water that is discharged provides a winter refuge for manatees. The endangered West Indian manatee is known to visit the waters around the Cape Canaveral Plant. Consequently, the existing Plant's Industrial Wastewater Permit requires continued compliance with the facility's Manatee Protection Plan, which was approved by the Florida Department of Environmental

Protection on August 8, 2000. This Plan includes a requirement to operate under specified cold weather conditions to supply a warm-water refuge for manatees.

Again, for all the above listed reasons, cooling towers are economically and environmentally deficient compared to the alternative and potentially damaging to the environment and local conditions.

3.5 Potable Water from City of Cocoa

The existing Plant has used potable water from the City of Cocoa for process and potable water uses for many years. While the converted Plant will use more water, it will not use more than the current authorization. Therefore, this option is feasible for both potable and process supply.

APPENDIX 10.11

CURRENT LEASES AND EASEMENTS

SOVEREIGNTY SUBMERGED LANDS LEASE

This Instrument Prepared By:
Pattie J. Scott
Recurring Revenue Section
Bureau of Public Land Administration
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LANDS LEASE RENEWAL

BOT No. 050024374
PA No. _____

THIS LEASE is hereby issued by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Lessor.

WITNESSETH: That for and in consideration of payment of the annual lease fees hereinafter provided and the faithful and timely performance of and compliance with all terms and conditions stated herein, the Lessor does hereby lease to Florida Power & Light Company, a Florida corporation, hereinafter referred to as the Lessee, the sovereignty lands described as follows:

A parcel of sovereignty submerged land in Section 19, Township 23 South, Range 36 East, in the Indian River, Brevard County, containing 64,100 square feet, more or less, as is more particularly described and shown on Attachment A, dated November 30, 1998.

TO HAVE THE USE OF the hereinabove described premises from January 1, 2008, the effective date of this lease renewal, through January 1, 2013, the expiration date of this lease renewal. The terms and conditions on and for which this lease renewal is granted are as follows:

1. USE OF PROPERTY: The Lessee is hereby authorized to operate an existing 1-slip docking/unloading facility exclusively to be used for mooring of barges and tugs vessels in conjunction with an upland fuel oil tank farm/power plant, without fueling facilities, with a sewage pumpout facility if it meets the regulatory requirements of the State of Florida Department of Environmental Protection or local authority, whichever entity applies the more stringent criteria, and without liveaboards as defined in paragraph 28, as shown and conditioned in Attachment A. All of the foregoing subject to the remaining conditions of this Lease.

2. LEASE FEES: The Lessee hereby agrees to pay to the Lessor an annual lease fee of $9,055.00 plus sales tax pursuant to Section 212.031, Florida Statutes, if applicable, within 30 days of the date of receipt of the invoice. The annual fee for the remaining years of the lease shall be adjusted pursuant to provisions of Section 18-21.011, Florida Administrative Code. The Division of State Lands will notify the Lessee in writing of the amount and the due date of the annual payment. The lease fee shall be remitted annually to the Division of State Lands as the agent for the Lessor, beginning with the effective and due date of this lease renewal, and each year thereafter until the term of this lease renewal terminates or expires.

3. WET SLIP RENTAL CERTIFICATION/SUPPLEMENTAL PAYMENT. (A) The Lessee shall provide upon request by the Lessor any and all information in a certified form needed to calculate the lease fee specified in paragraph two (2) above, including the income, as defined in subsection 18-21.003(26), Florida Administrative Code, derived directly or indirectly from the use of sovereignty submerged lands on an annual basis. When six percent (6%) of said annual income exceeds the base fee or minimum annual fee established pursuant to Rule 18-21.011, Florida Administrative Code, for any lease year during the term of this lease, the Lessor shall send the Lessee a supplemental invoice for the difference in the amounts for that lease year. (B) The instrument or agreement used by the Lessee to transfer or assign the right to use a wet slip at the leased docking facility to a third party shall include a provision that clearly notifies the wet slip renter/user/holder that if the wet slip renter/user/holder subsequently transfers his right to use said wet slip to another party, the instrument or agreement used to transfer said wet slip shall contain a provision that requires six percent (6%) of the annual gross income derived from said instrument or agreement for the use of said wet slip be paid to the Lessee who, upon receipt, shall report and transmit said amount to the Lessor. The instrument or agreement used by the Lessee to transfer a wet slip shall also include a provision that clearly notifies the wet slip renter/user/holder that no interest in said wet slip may be further transferred unless a substantially similar provision to the one contained in the preceding sentence is placed in each succeeding instrument or agreement used to transfer said wet slip to each new wet slip renter/user/holder.

4. LATE FEE ASSESSMENTS: The Lessee shall pay a late charge equal to interest at the rate of twelve percent (12%) per annum from the due date until paid on any lease fees due hereunder which are not paid within 30 days of their due dates.

5. EXAMINATION OF LESSEE'S RECORDS: For purposes of this lease renewal, the Lessor is hereby specifically authorized and empowered to examine, for the term of this lease renewal including any extensions thereto plus three (3) additional years, at all reasonable hours, the books, records, contracts, and other documents confirming and pertaining to the computation of annual lease payments as specified in paragraph two (2) above.

6. MAINTENANCE OF LESSEE'S RECORDS: The Lessee shall maintain separate accounting records for: (i)gross revenue derived directly from the use of the leased premises, (ii) the gross revenue derived indirectly from the use of the leased premises, and (iii) all other gross revenue derived from the Lessee's operations on the riparian upland property. The Lessee shall secure, maintain and keep all records for the entire term of this lease renewal plus three (3) additional years. This period shall be extended for an additional two (2) years upon request for examination of all records and accounts for lease verification purposes by the Lessor.

7. AGREEMENT TO EXTENT OF USE: This lease is given to the Lessee to use or occupy the leased premises only for those activities specified herein. The Lessee shall not change or add to the approved use of the leased premises as defined herein (e.g., from commercial to multi-family residential, from temporary mooring to rental of wetslips, from rental of wetslips to contractual agreement with third party for docking of cruise ships, from rental of recreational pleasure craft to rental or temporary mooring of charter/tour boats, from loading/offloading commercial to rental of wetslips, etc.), shall not change activities in any manner that may have an environmental impact that was not considered in the original authorization or regulatory permit, or shall not change the type of use of the riparian uplands without first obtaining a regulatory permit/modified permit, if applicable, and the Lessor's written authorization in the form of a modified lease, the payment of additional fees, if applicable, and, if applicable, the removal of any structures which may no longer qualify for authorization under the modified lease.

8. PROPERTY RIGHTS: The Lessee shall make no claim of title or interest to said lands hereinbefore described by reason of the occupancy or use thereof, and all title and interest to said land hereinbefore described is vested in the Lessor. The Lessee is prohibited from including, or making any claim that purports to include, said lands described or the Lessee's leasehold interest in said lands into any form of private ownership, including but not limited to any form of condominium or cooperative ownership. The Lessee is further prohibited from making any claim, including any advertisement, that said land, or the use thereof, may be purchased, sold, or re-sold.

9. INTEREST IN RIPARIAN UPLAND PROPERTY: During the term of this lease renewal, the Lessee shall maintain a leasehold or fee simple title interest in the riparian upland property and if such interest is terminated, the lease may be terminated at the option of the Lessor. Prior to sale and/or termination of the Lessee's leasehold or fee simple title interest in the upland property, Lessee shall inform any potential buyer or transferee of the Lessee's upland property interest of the existence of this lease renewal and all its terms and conditions and shall complete and execute any documents required by the Lessor to effect an assignment of this lease renewal, if consented to by the Lessor. Failure to do so will not relieve the Lessee from responsibility for full compliance with the terms and conditions of this lease renewal which include, but are not limited to, payment of all fees and/or penalty assessments incurred prior to such act.

10. ASSIGNMENT OF LEASE RENEWAL: This lease renewal shall not be assigned or otherwise transferred without prior written consent of the Lessor or its duly authorized agent. Such assignment or other transfer shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. Any assignment or other transfer without prior written consent of the Lessor shall be null and void and without legal effect.

11. INDEMNIFICATION/INVESTIGATION OF ALL CLAIMS: The Lessee shall investigate all claims of every nature arising out of this lease at its expense, and shall indemnify, defend and save and hold harmless the Lessor and the State of Florida from all claims, actions, lawsuits and demands arising out of this lease renewal.

12. VENUE: Lessee waives venue as to any litigation arising from matters relating to this lease renewal and any such litigation between Lessor and Lessee shall be initiated and maintained only in Leon County, Florida.

13. NOTICES/COMPLIANCE/TERMINATION: The Lessee binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Lessee, its successors and assigns. In the event the Lessee fails or refuses to comply with the provisions and conditions herein set forth, or in the event the Lessee violates any of the provisions and conditions herein, or fails or refuses to comply with the provisions and conditions herein set forth within 20 days of receipt of the Lessor's notice to correct, this lease renewal may be terminated by the Lessor upon thirty (30) days written notice to Lessee. If canceled, all of the above-described parcel of land shall revert to the Lessor. All costs and attorneys' fees incurred by the Lessor to enforce the provisions of this lease shall be paid by the Lessee. All notices required to be given to the Lessee by this lease renewal or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

Florida Power & Light Company
Cape Canaveral Plant
Scott Stone, Plant General Manager
6000 North US Highway 1
Cocoa, Florida 32927-6002

The Lessee shall notify the Lessor by certified mail of any change to this address at least ten (10) days before the change is effective.

14. TAXES AND ASSESSMENTS: The Lessee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this lease renewal.

15. NUISANCES OR ILLEGAL OPERATIONS: The Lessee shall not permit the leased premises or any part thereof to be used or occupied for any purpose or business other than herein specified unless such proposed use and occupancy are consented to by the Lessor and the lease is modified accordingly, nor shall Lessee knowingly permit or suffer any nuisances or illegal operations of any kind on the leased premises.

16. MAINTENANCE OF FACILITY/RIGHT TO INSPECT: The Lessee shall maintain the leased premises in good condition, keeping the structures and equipment located thereon in a good state of repair in the interests of public health, safety and welfare. The leased premises shall be subject to inspection by the Lessor or its designated agent at any reasonable time.

17. NON-DISCRIMINATION: The Lessee shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicap, or marital status with respect to any activity occurring within the area subject to this lease renewal or upon lands adjacent to and used as an adjunct of the leased area. During the lease term, the Lessee shall post and maintain the placard furnished to the Lessee by the Lessor in a prominent and visible location on the leased premises or adjacent business office of the Lessee. It shall be the responsibility of the Lessee to post the placard in a manner which will provide protection from the elements, and, in the event that said placard becomes illegible at any time during the term of this lease renewal (including any extensions thereof), to notify the Lessor in writing, so that a replacement may be provided.

18. ENFORCEMENT OF PROVISIONS: No failure, or successive failures, on the part of the Lessor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Lessor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

19. PERMISSION GRANTED: Upon expiration or cancellation of this lease renewal all permission granted hereunder shall cease and terminate.

20. RENEWAL PROVISIONS: Renewal of this lease shall be at the sole option of the Lessor. Such renewal shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. In the event that Lessee is in full compliance with the terms of this lease renewal, the Lessee may apply in writing for a renewal. Such application for renewal must be received by Lessor no sooner than 120 days and no later than 30 days prior to the expiration date of the original or current term hereof. The term of any renewal granted by the Lessor shall commence on the last day of the previous lease term. If the Lessee fails to timely apply for a renewal, or in the event the Lessor does not grant a renewal, the Lessee shall vacate the leased premises and remove all structures and equipment occupying and erected thereon at its expense. The obligation to remove all structures authorized herein upon termination of this lease renewal shall constitute an affirmative covenant upon the riparian upland property more specifically described in Attachment B, which shall run with the title to said riparian upland property, and shall be binding upon Lessee and Lessee's successors in title or successors in interest.

21. REMOVAL OF STRUCTURES/ADMINISTRATIVE FINES: If the Lessee does not remove said structures and equipment occupying and erected upon the leased premises after expiration or cancellation of this lease renewal, such structures and equipment will be deemed forfeited to the Lessor, and the Lessor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Lessee at the address specified in Paragraph 13 or at such address on record as provided to the Lessor by the Lessee. However, such remedy shall be in addition to all other remedies available to the Lessor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

22. REMOVAL COSTS/LIEN ON RIPARIAN UPLAND PROPERTY: Any costs incurred by the Lessor in the removal of any structures and equipment constructed or maintained on state lands shall be paid by the Lessee and any unpaid costs and expenses shall constitute a lien upon the interest of the Lessee in the riparian upland property enforceable in summary proceedings as provided by law.

23. RECORDATION OF LEASE: The Lessee, at its own expense, shall record this fully executed lease renewal in its entirety in the public records of the county within which the lease site is located within fourteen (14) days after receipt, and shall provide to the Lessor within ten (10) days following the recordation a copy of the recorded lease in its entirety which contains the O.R. book and pages at which the lease is recorded.

24. RIPARIAN RIGHTS/FINAL ADJUDICATION: In the event that any part of any structure authorized hereunder is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Lessee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply with this paragraph shall constitute a material breach of this lease renewal agreement and shall be grounds for immediate termination of this lease renewal agreement at the option of the Lessor.

25. AMENDMENTS/MODIFICATIONS: This lease renewal is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this lease renewal must be in writing, must be accepted, acknowledged and executed by the Lessee and Lessor, and must comply with the rules and statutes in existence at the time of the execution of the modification or amendment. Notwithstanding the provisions of this paragraph, if mooring is authorized by this lease, the Lessee may install boatlifts within the leased premises without formal modification of the lease provided that (a) the Lessee obtains any state or local regulatory permit that may be required; and (b) the location or size of the lift does not increase the mooring capacity of the facility.

26. ADVERTISEMENT/SIGNS/NON-WATER DEPENDENT ACTIVITIES/ADDITIONAL ACTIVITIES/MINOR STRUCTURAL REPAIRS: No permanent or temporary signs directed to the boating public advertising the sale of alcoholic beverages shall be erected or placed within the leased premises. No restaurant or dining activities are to occur within the leased premises. The Lessee shall ensure that no permanent, temporary or floating structures, fences, docks, pilings or any structures whose use is not water-dependent shall be erected or conducted over sovereignty submerged lands without prior written consent from the Lessor. No additional structures and/or activities including dredging, relocation/realignment or major repairs or renovations to authorized structures, shall be erected or conducted on or over sovereignty, submerged lands without prior written consent from the Lessor. Unless specifically authorized in writing by the Lessor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Lessee to administrative fines under Chapter 18-14, Florida Administrative Code. This condition does not apply to minor structural repairs required to maintain the authorized structures in a good state of repair in the interests of public health, safety or welfare; provided, however, that such activities shall not exceed the activities authorized by this agreement.

27. COMPLIANCE WITH FLORIDA LAWS: On or in conjunction with the use of the leased premises, the Lessee shall at all times comply with all Florida Statutes and all administrative rules promulgated thereunder. Any unlawful activity which occurs on the leased premises or in conjunction with the use of the leased premises shall be grounds for the termination of this lease by the Lessor.

28. LIVEABOARDS: The term "liveaboard" is defined as a vessel docked at the facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within a thirty (30) day period. If liveaboards are authorized by paragraph one (1) of this lease, in no event shall such "liveaboard" status exceed six (6) months within any twelve (12) month period, nor shall any such vessel constitute a legal or primary residence.

29. GAMBLING VESSELS: During the term of this lease and any renewals, extensions, modifications or assignments thereof, Lessee shall prohibit the operation of or entry onto the leased premises of gambling cruise ships, or vessels that are used principally for the purpose of gambling, when these vessels are engaged in "cruises to nowhere," where the ships leave and return to the state of Florida without an intervening stop within another state or foreign country or waters within the jurisdiction of another state or foreign country, and any watercraft used to carry passengers to and from such gambling cruise ships.

30. SPECIAL LEASE CONDITIONS: Should a field survey acceptable to Lessor be required or obtained after the effective date of this lease, the annual lease fees due hereunder shall be adjusted to reflect the increase or decrease in the total preempted area shown by the survey. Any such adjustment shall be effective from the date of the acceptable survey and shall be prospective only. No reimbursement or credit shall be given to Lessee by Lessor for overages, and no charge shall be imposed by Lessor for shortages unless the error resulted from inaccurate information supplied by the Lessee.

WITNESSES:

Original Signature

Mary K. Thurmond

Print/Type Name of Witness

Original Signature

Kathy C Griffin

Print/Type Name of Witness

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

(SEAL)

BY:

Jeffery M. Gentry, Operations and Management Consultant Manager, Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida

"LESSOR"

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 18th day of March, 2008, by Jeffery M. Gentry Operations and Management Consultant Manager, Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. He is personally known to me.

APPROVED AS TO FORM AND LEGALITY:

DEP Attorney

Notary Public, State of Florida

Printed, Typed or Stamped Name

My Commission Expires:

Notary Public State of Florida
Kathy C Griffin
My Commission DD727692
Expires 10/30/2011

Commission/Serial No.

WITNESSES:

Original Signature

Tammy Jaufmann

Typed/Printed Name of Witness

Original Signature

SAMANTHA J. WOODRUFF

Typed/Printed Name of Witness

Florida Power & Light Company, a Florida corporation

(SEAL)

BY:

Original Signature of Executing Authority

Stephen M. Reuwer

Typed/Printed Name of Executing Authority

Sr. Director Corporate Real Estate

Title of Executing Authority

"LESSEE"

STATE OF FL

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 26th day of December, 2007, by Stephen M. Reuwer as Sr. Director Corporate Real Estate of Florida Power & Light Company, a Florida corporation, for and on behalf of the corporation. He is personally known to me or who has produced _____, as identification.

My Commission Expires:

Notary Public State of Florida
Michelle M Kahmann
My Commission DD693640
Expires 09/18/2011

Commission/Serial No.

Notary Signature

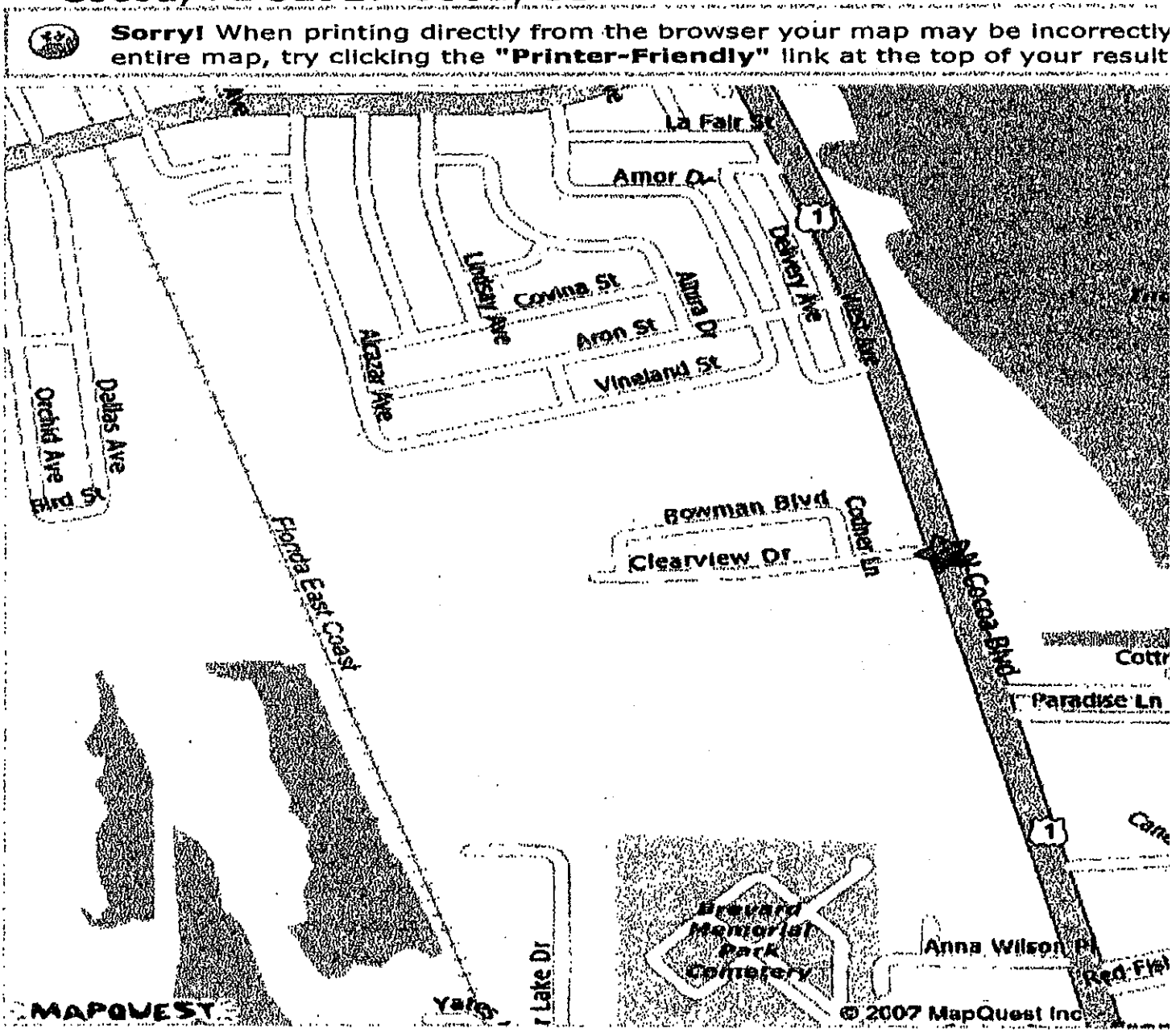
Notary Public, State of FL

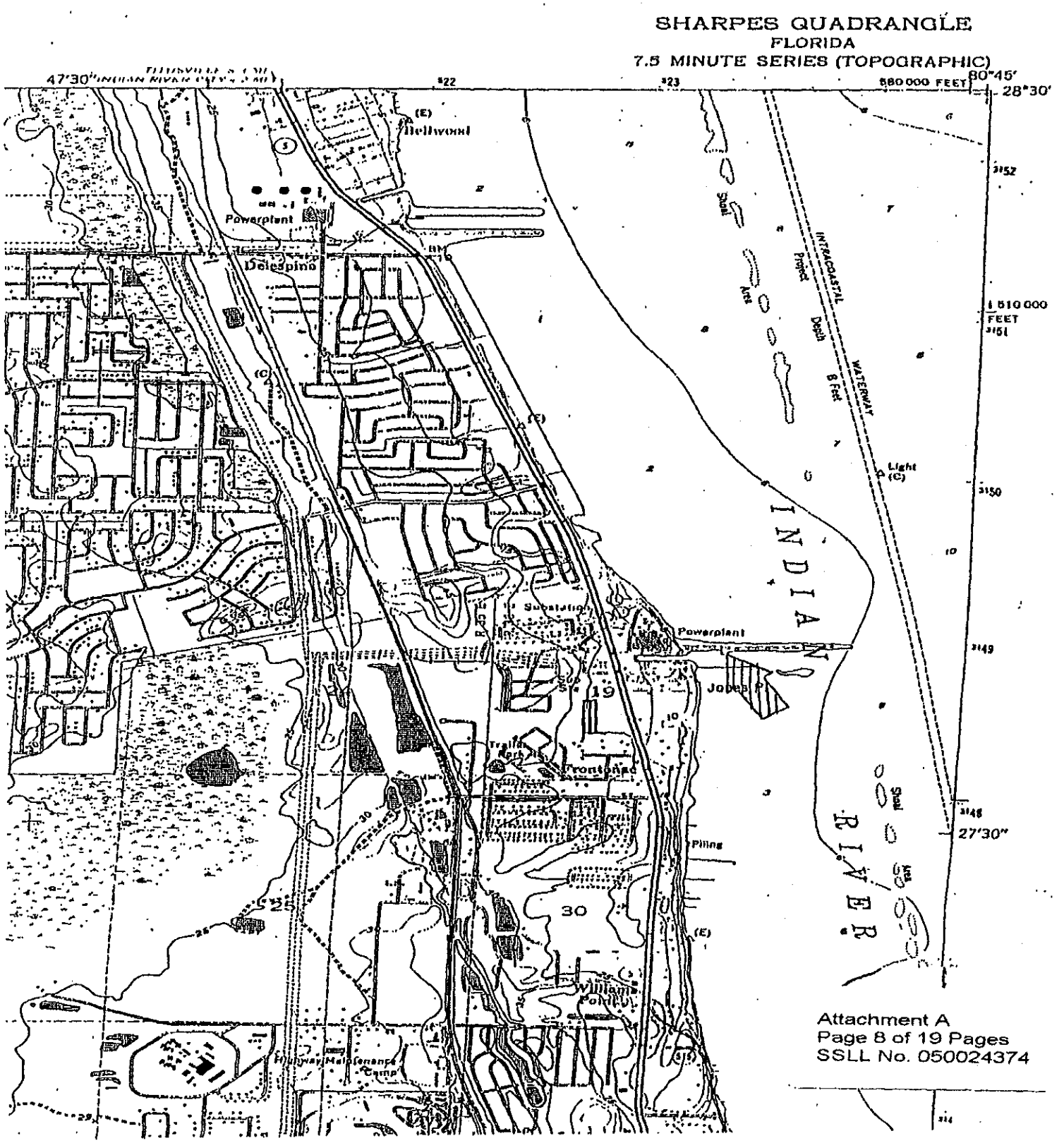
Michelle M. Kahmann

Printed, Typed or Stamped Name

6000 N Cocoa Blvd

Cocoa, FL 32927-6002, US



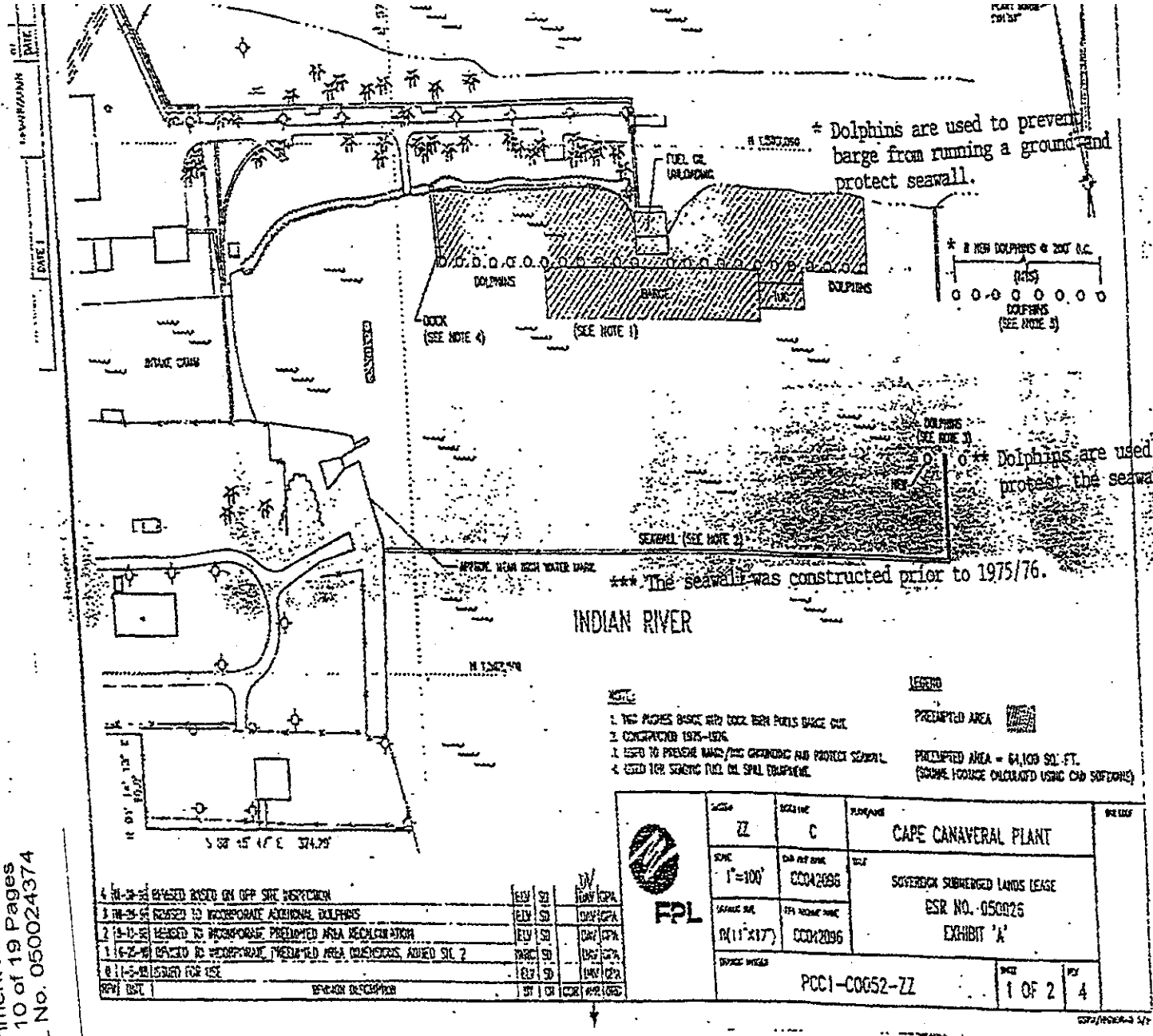


Attachment A
Page 8 of 19 Pages
SSLL No. 050024374

FLORIDA POWER & LIGHT
CAPE CANAVERAL PLANT
BREVARD COUNTY FLORIDA
GSR NO. 050026

A parcel of submerged land located in Section 19, Township 23 South, Range 36 East, Brevard County, Indian River (waterbody) containing 64,100 square feet, as described on the attached sketch labeled as Exhibit A and dated November 30, 1998, located immediately waterward of that upland propety with the legal description in the attached summary legal description labeled as Exhibit B.

[LEGAL DESCRIPTION(S)AS DESCRIBED IN THOSE CERTAIN WARRANTY DEED(S), BETWEEN RAPPE DEVELOPMENT COMPANY, ROBERT W. BRUCE AND MILDRED C. BRUCE, HUSBAND AND WIFE, P.D. SHUPING,UNMARRIED, FREDERICK O. RIPON AND MILDRED M. RIPON, HUSBAND AND WIFE, ALBERT RAMOS AND KATHERINE RAMOS,HUSBAND AND WIFE, CHARLES HERMAN AND ERMA EILEEN HERMAN, HIS WIFE,L.A. PERRIN, AS TRUSTEE, AND INDIVIDUALLY, JOINED BY HIS WIFE, LENELLE PERRIN, EDWARD LAWTON AND MARIE LAWTON, HUSBAND AND WIFE, WORTH A. OVERACKER AND MAUD I. OVERACKER, HUSBAND AND WIFE, JAMES H. SWEENY, JR. AND CHRISTINE B. SWEENY, HIS WIFE, PALMER B. CONNER AND HELEN H. CONNER,HUSBAND AND WIFE, LYNN B. WHITEMAN AND JULIA C. WHITEMAN, HUSBAND AND WIFE,FRANK A. ROBINSON AND HIS WIFE, GLADYS M. ROBINSON, GRANTORS AND FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, GRANTEE, AS RECORDED IN THE ATTACHED SUMMARY OF LEGAL DESCRIPTION(S), OFFICIAL RECORDS OF BREVARD COUNTY, FLORIDA, OTHERWISE KNOWN AS ATTACHMENT B TO THIS LEASE INSTRUMENT.]



11-30-98 Sketch revised to show pilings only

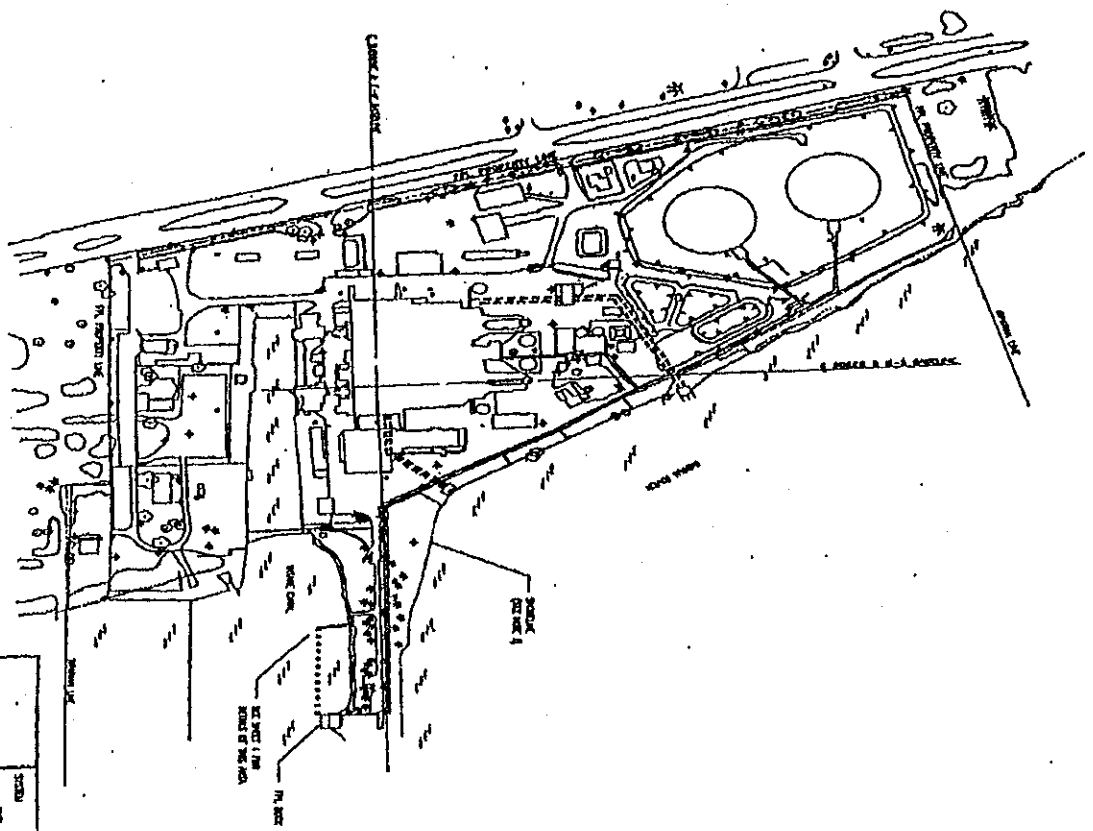
Attachment A
Page 10 of 19 Pages
SSLL No. 050024374

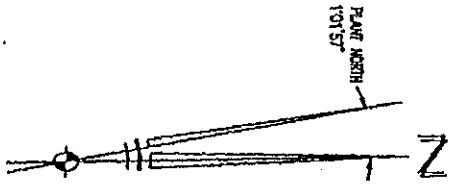
R BK 5854 PG 20

SCALE 1/4"= 1'-0"

SCALE 3/8"= 1'-0"

WALKDOWN INFORMATION			TECHNICAL ACCEPTANCE		
AS-BUILT INFORMATION	ORG		ENGINEERING ORGANIZATION	ORG	
	BY			BY	
	DATE			DATE	





NOTES:
1. TOTAL SHORELINE DISTANCE APPROXIMATELY 4223 FT.
2. SHORELINE 1000 FT. SOUTH OF PRESUMPTIVE AREA IS BULKHEADED.
SHORELINE 1000 FT. NORTH OF PRESUMPTIVE AREA IS NATURAL.
REPAIR AND BULKHEADED.

FPL

SIZE B(11"X17")	SIZE N/A	DRAWING NO. CC0002106	SHEET ZZ
FPL ACCOUNT NUMBER CC0002106	CAD FILE NAME CC0002106		SHEET NO. C

SOVEREIGN SUBMERGED LANDS LEASE
GSR No. 050025
EXHIBIT 'A'

CAPE CANAVERAL PLANT

PLANT NO.

EXHIBIT B

CAPE CANAVERAL PLANT
SUMMARY LEGAL DESCRIPTION

PARCEL NO. 1:
(Title vested by virtue of Deed recorded in ORB 526/2).

Government Lot 3, Section 19, Township 23 South, Range 36 East, together with an easement over and across the North fifty (50) feet of the South two hundred eighty (280) feet of Rosevear Terrace Subdivision lying West of U. S. Highway #1, in Brevard County, Florida.

PARCEL NO. 2:
(Title vested by virtue of Deed recorded in ORB 870/266).

Begin at the concrete post at the west quarter section corner of Section 19, Township 23 South, Range 36 East, Brevard County, Florida, said post being the Northwest corner of U. S. Lot 3, said Section; thence run South 89 degrees, 52 minutes, 30 seconds East on the quarter section line or North side of U. S. Lot 3 a distance of 1320.5 feet to a concrete monument which replaced old coquina post at the Northeast corner of said U. S. Lot 3 for the point of beginning of land herein described; thence for a first course, run North 36 degrees, 30 minutes East along the northwesterly line of lands formerly owned by P. D. Shuping, a distance of 307.1 feet to a concrete monument; thence for a second curse, run North 25 degrees, 11 minutes, 25 seconds West a distance of 16 feet to a concrete post; thence for a third course, run South 80 degrees, 13 minutes, 30 seconds West parallel to the North line of Norman Carhart deed as recorded in Deed Book 194, page 124, Public Records of said County a distance of 274.6 feet to an iron pipe; thence for a fourth course, run South and parallel to the West line of Section 19, a distance of 215 feet to an iron rod on the North line of U. S. Lot 3 or the quarter section line; thence for a fifth course, run South 89 degrees, 52 minutes, 50 seconds East along the North line of said U. S. Lot 3 a distance of 95.57 feet to a concrete monument at the Northeast corner of said U. S. Lot 3, which is the point of beginning; together with right of way 16 feet wide described as follows: From the aforesaid point of beginning, run North 36 degrees, 30 minutes East along the northwesterly line of land formerly owned by P. D. Shuping a distance of 307.1 feet to a concrete monument for the point of beginning of said right of way; thence for a first course, run North 65 degrees, 37 minutes, 13 seconds East 70.13 feet to a concrete monument on the West right of way line of new U. S. Highway No. 1; thence for a second course, run North 13 degrees, 52 minutes, 00 seconds West along said right of way line 16.32 feet to a point; thence for a third course, run South 65 degrees, 37 minutes, 13 seconds West 72.90 feet to a concrete monument; thence for a fourth course, run Southeasterly 16 feet more or less to the point of beginning.

PARCEL NO. 3:
(Title vested by virtue of Deed recorded in ORB 524/618).

All of Lot One (1) of the resubdivision of Rosevear Terrace Subdivision lying west of the west right of way line of new U. S. No. 1 Highway, except the south two hundred thirty (230) feet, said resubdivision being recorded in Plat Book 8, page 40, of the Public Records of Brevard County, Florida, subject to a fifty (50) foot easement running east and west on the south side of said property.

PARCEL NO. 4:
(Title vested by virtue of Deed recorded in ORB 526/620).

The North One hundred eighty (180) feet of the South two

Continued on next page

hundred thirty (230) feet of that part of Rossvear Terrace Subdivision lying west of the west right of way line of New U. S. No. 1 Highway, said plat of Rossvear Terrace Subdivision being recorded in Plat Book 8, page 40, Public Records of Brevard County, Florida.

PARCEL NO. 5:
(Title vested by virtue of Deed recorded in ORB 526/955).

A tract of land located in Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, described as follows:

From an iron pipe on the range line, which is 713.10 feet north of the quarter section corner on the west side of said Section nineteen (19), which is a point of reference, run north seventy-five (75) degrees, nine (9) minutes east and parallel to the south line of the Delespine Grant, a distance of 1548.24 feet to an iron pipe on the east line of the right of way of U. S. Highway No. 1 also known as Dixie Highway, as presently located, which is the point of beginning of the land herein described, and from the said point of beginning, for a first course, run south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east on the east right of way line of U. S. Highway No. 1 (which is also known as State Road No. 5), a distance of 295 feet to the northwest corner of the land conveyed to Carl W. and Alice C. Hopps by deed recorded in Book 264, page 475, Official Records of Brevard County, Florida; thence for a second course, run north forty-seven (47) degrees, sixteen (16) minutes, forty-two (42) seconds east on the north line of the land conveyed to Carl W. and Alice C. Hopps aforesaid, a distance of 528 feet, more or less, to and into the waters of the Indian River; thence return to the point of beginning, and for a third course, run north seventy-five (75) degrees, nine (9) minutes east, a distance of 449.76 feet to an iron pipe on the west bank of the Indian River, and continue the said course to and into the waters of the Indian River; and thence for a fourth course, run south thirty-six (36) degrees, fifty-eight (58) minutes east in the waters edge of the Indian River, a distance of 46.18 feet, more or less, to the eastern terminus of the second course, which is the northeast corner of the land conveyed to Carl W. and Alice C. Hopps as aforesaid.

Together with the riparian and littoral rights and the submerged lands in Indian River appertaining to said property.

PARCEL NO. 6:
(Title vested by virtue of Judgment recorded in CCMB 47/102).

Beginning at a point on the west line of fractional Section 19, Township 23 South, Range 36 East, which point is 713.10 feet north of the northwest corner of said northwest quarter (NW 1/4) of the southwest quarter (SW 1/4) of said fractional Section 19; thence run north seventy-five (75) degrees, nine (9) minutes east parallel with the south line of the Delespine Grant, 1548.24 feet to a point on the east right of way of U. S. No. 1 (Dixie Highway) as presently located; thence south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east along said east right of way line 295 feet to the point of beginning; from said point of beginning, for a first course, continue south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east along said east right of way line, two hundred (200) feet; thence for a second course, run north forty-nine (49) degrees, twenty-four (24) minutes, forty

Continued on next page

(40) seconds east, six hundred (600) feet, more or less, to and into the waters of the Indian River; thence return to the point of beginning; thence for a third course, run north forty-seven (47) degrees, sixteen (16) minutes, forty-two (42) seconds east, five hundred twenty-eight (528) feet, more or less, to and into the waters of the Indian River; thence for a fourth course, run southeasterly along the waters of the Indian River, two hundred (200) feet, more or less, to the above described termination of said second course. All being and lying in fractional Section Nineteen (19), Township Twenty-three (23) South, Range Thirty-six (36) East, in Brevard County, Florida. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PARCEL NO. 7:
(Title vested by virtue of Deed recorded in ORB 524/946).

Commencing at a concrete monument which is the southwest corner of Government Lot two (2), Section Nineteen (19), Township Twenty-three (23) South, Range Thirty-six (36) East, Brevard County, Florida; thence run north along the west section line of said Section Nineteen (19), a distance of three hundred forty-nine and sixty-three hundredths (349.63) feet to an iron pipe; thence north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east, a distance of one thousand five hundred seventy-nine and fifty hundredths (1579.50) feet to a concrete monument on the west right of way line of U. S. Highway No. 1; thence continuing north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east a distance of sixty-six and twenty-three hundredths (66.23) feet across U. S. Highway No. 1 to a concrete monument on the east right of way of said U. S. Highway No. 1 and the point of beginning of the lands herein described; thence north forty-nine (49) degrees, seven (7) minutes, twenty (20) seconds east six hundred eight and seventy-eight hundredths (608.78) feet to an iron pipe on the shore of the Indian River; thence southeasterly along the shore line of the Indian River two hundred ninety-nine and five hundredths (299.05) feet to an iron pipe; thence south sixty-three (63) degrees, twenty (20) minutes, twenty-five (25) seconds west, six hundred sixty-three and ninety-five hundredths (663.95) feet to a concrete monument on the east right of way line of U. S. Highway No. 1; thence north fourteen (14) degrees, twenty-four (24) minutes, forty (40) seconds west, one hundred fifty (150) feet to a concrete monument and the point of beginning. TOGETHER with all riparian rights thereunto appertaining.

PARCEL NO. 8:
(Title vested by virtue of Deed recorded in ORB 525/974).

Start at a concrete monument at the southwest corner of Government Lot 2, Section 19, Township 23 South, Range 36 East, Brevard County, Florida, go north along Section line 349.63 feet to an iron pipe; thence north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east, 1645.5 feet to an iron pipe set on the east right of way line of U. S. Highway No. 1, as presently located; thence south fourteen (14) degrees, thirty-six (36) minutes east along said east right of way line, a distance of 150 feet to a concrete monument for a point of beginning of lands hereby conveyed; thence north sixty-three (63) degrees, thirty-one (31) minutes, east along south line of lands described in Deed Book 410, page 622, Public Records of Brevard County, Florida, a distance of 664.1 feet to a stone set on the shore of the Indian River; thence

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southeasterly along said shore line, a distance of 76 feet, thence westerly to a point on the east right of way line of U. S. Highway No. 1, said point being 51 feet south-easterly measured along said right of way line from the point of beginning; thence northwesterly along said right of way line, a distance of 51 feet to the point of beginning.

In addition thereto, all riparian and littoral rights thereunto appertaining.

PARCEL NO. 9:
(Title vested by virtue of Deed recorded in ORB 525/974).

Beginning on the west shore of the Indian River at the southeast corner of Parcel No. 8, thence run southeasterly along the shore line of the Indian River to the southeast corner of property described in Deed Book 369, page 525, Public Records of Brevard County, Florida; thence continue westerly along said south line of property described in Deed Book 369, page 525, Public Records of Brevard County, Florida, a distance of 340 feet; thence run northerly to an iron pipe located on the south line of the property described as Parcel No. 8 above, said point being located 330 feet, more or less, measured along said south line of Parcel No. 8 from the waters of the Indian River and easterly 310 feet measured along said south line from the east right of way line of U.S. Highway No. 1; thence easterly along the south line of property described as Parcel No. 8 to the point of beginning. In addition thereto, all riparian and littoral rights thereunto appertaining,

This conveyance is made subject to an easement ten (10) feet wide, extending from the land hereinabove described to the waters of the Indian River, which was reserved in the deed executed by Edward Lawton and Maria Lawton to Delmer H. Roberts, dated March 1, 1957, and recorded in Deed Book 442, page 251, Public Records of Brevard County, Florida.

PARCEL NO. 10:
(Title vested by virtue of Deed recorded in ORB 525/663).

From the Coquina monument at the northeast corner of U. S. Government Lot 3, being the northeast corner of the west-half (W 1/2) of the southwest quarter (SW 1/4) of fractional Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, run the northwesterly line of the Roseveer Terrace Subdivision (according to the plat of said subdivision recorded in Plat Book 4, page 70, and replatted according to plat recorded in Plat Book 8, page 40, Public Records of Brevard County, Florida), on a course of north thirty-six (36) degrees, thirty (30) minutes east, a distance of 307.1 feet to an iron pipe; thence run the northerly line of the said Roseveer Terrace Subdivision, being the northerly line of P. D. Shuping's land, on a course of north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of 212.7 feet to a concrete post on the east side of the right of way of U. S. Highway No. 1, which point is the point of beginning of the land herein described; from the said point of beginning, run north fourteen (14) degrees, thirty-six (36) minutes west on the east side of the right of way of U. S. Highway No. 1, a distance of one hundred (100) feet, more or less, to the south line of the land conveyed by Edward and Maria Lawton to Delmer H. Roberts by deed recorded in Deed Book 437, page 232; thence run easterly on the south line of the land conveyed by Edward

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and Marie Lawton to Delmer H. Roberts, recorded in Deed Book 437, page 232 aforesaid, a distance of 310 feet, more or less, to an iron pipe in a ditch located at the northwest corner of the lands conveyed by Edward and Marie Lawton to Delmer H. Roberts by deed recorded in Deed Book 442, page 251; thence run southerly on the west line of the lands conveyed to Delmer H. Roberts in Deed Book 242, page 251, a distance of 100 feet, more or less, to the north line of the Rosevear Terrace Subdivision aforesaid; and thence run South sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds west on the north line of the Rosevear Terrace Subdivision aforesaid, a distance of 394.8 feet, more or less, to the point of beginning.

ALSO, all of the right, title and interest of the parties of the first part in and to the easement ten (10) feet wide, extending from the land hereinabove described to the waters of the Indian River, which was reserved in the deed executed by them to Delmer H. Roberts, dated March 1, 1957, and recorded in Deed Book 442, page 251, Public Records of Brevard County, Florida.

PARCEL NO. 11:
(Title vested by virtue of Judgment recorded in CCMB 47/102).

A tract of land situated in government lot two of Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, described as follows: From the Northeast corner of the west half of the southwest quarter (SW 1/4) of Section nineteen (19) aforesaid, which is a point of reference, run the boundary of the Rosevear Terrace Subdivision (the plat of which is recorded in Plat Book 4, page 70, Public Records of Brevard County, Florida) north thirty-six (36) degrees, thirty (30) minutes east, a distance of three hundred seven and one-tenth (307.1) feet, and thence north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of two hundred twelve and seven tenths (212.7) feet to a point on the east side of the right of way of State Road No. 5, also known as U. S. Highway No. 1, which is the point of beginning of the land herein described, and from the said point of beginning, continue on the north line of the Rosevear Terrace Subdivision, north sixty four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of seven hundred thirty-four and eight tenths (734.8) feet, more or less, to the west bank of the Indian River; thence run southerly in the waters edge of the Indian River, a distance of one hundred ninety two (192) feet to a stake at the northeast corner of the lands of Conrad W. and Ruth D. Cramer, described in Deed Book 345, page 314; thence run westerly on the north line of the lands of Conrad W. and Ruth D. Cramer to a point on the east line of State Road No. 5, also known as U. S. Highway No. 1, which is 115 feet from the point of beginning; thence run northerly on the east line of the right of way of State Road No. 5, a distance of one hundred fifteen (115) feet to the point of beginning. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PARCEL NO. 12:
(Title vested by virtue of Judgment recorded in CCMB 47/102).

A tract of land situated in government lot two (2) of Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, described as follows: From the northeast corner of the west-half (W 1/2) of

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the southwest quarter (SW 1/4) of Section nineteen (19) aforesaid, which is a point of reference, run the boundary of the Rosevear Terrace Subdivision (the plat of which is recorded in Plat Book 4, page 70, Public Records of Brevard County, Florida) north thirty-six (36) degrees, thirty (30) minutes east, a distance of three hundred seven and one-tenth (307.1) feet, and thence north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of two hundred twelve and seven tenths (212.7) feet to a point on the east side of the right of way of State Road No. 5, also known as U. S. Highway No. 1, thence run southerly on the east line of the right of way of State Road No. 5, also known as U.S. Highway No. 1, a distance of one hundred fifteen (115) feet to the southwest corner of the lands of William Cramer, Jr., and Catherine Cramer, which is the point of beginning of the land herein described; thence run easterly on the south line of the lands of William Cramer, Jr., and Catherine Cramer to a point on the west shore of the Indian River, which is one hundred ninety two (192) feet southerly, as measured along the shore of the Indian River from the northeast corner of the Rosevear Terrace Subdivision; thence run southerly in the waters edge of the Indian River, a distance of one hundred and ninety two (192) feet to the northeast corner of the lands of Worth A. Overseker and Maud I. Overseker; thence run westerly on the north line of the lands of Worth A. Overseker and Maud I. Overseker to a point on the east right of way line of State Road No. 5, which is two hundred thirty (230) feet, measured on said right of way line from the north line of Rosevear Terrace Subdivision; thence run northerly on the east line of said State Road right of way line, a distance of one hundred fifteen (115) feet to the point of beginning. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PARCEL NO. 13:
(Title vested by virtue of Deed recorded in ORB 525/667).

Parcel A: Begin at an iron pipe on the East right of way line of U. S. Highway No. 1, which iron pipe is the corner of Shuping and Cramer lands, for POINT OF BEGINNING; thence Eastward along Shuping and Cramer line to an iron pipe set on the high water mark of the Indian River; thence Southeasterly along the high water mark of the Indian River, a distance of 384 feet to an iron pipe; thence Westerly to the East right of way line of U. S. Highway No. 1 to a point, which point is 230 feet from point of beginning, measured along the East right of way line of U. S. Highway No. 1; thence Northwesterly along said right of way line to a point of beginning, being part of Rosevear Terrace as per Plat recorded in Plat Book 4, page 70, of the Public Records of Brevard County, Florida, in Section 19, Township 23 South, Range 36 East, together with all riparian, littoral and shore rights thereunto belonging or in any wise appertaining.

Parcel B: Begin at an iron pipe at a point on the East right of way line of U. S. Highway No. 1, which point is 230 feet Southeasterly from Shuping-Cramer corner post, for POINT OF BEGINNING; thence Easterly along the Southerly line of Warren A. Shuping and Catherine J. Shuping, to an iron pipe set on the high water mark of the Indian River (which iron pipe is 384 feet Southeasterly from an iron pipe set on the Indian River, which iron pipe marks corner of Shuping-Cramer land); thence along the high water mark of the Indian River, a distance of 369.30 feet to an iron pipe which marks the corner of Shuping-Nash land; thence Westerly to a concrete post set on

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the East right of way line of U.S. Highway No. 1, which post is corner of Shuping-Nash land, which point is 231 feet measured along said right of way line from point of beginning; thence along the East right of way line of U. S. Highway No. 1 to point of beginning, being part of land in Roseveer Terrace as per Plat Book 4, page 70, of the Public Records of Brevard County, Florida, in Section 19, Township 23 South, Range 36 East, together with all and singular the rights, numbers, privileges, hereditaments, and appurtenances to the same belonging to or in any wise appertaining, and riparian, littoral and shore rights thereunto belonging or in any wise pertaining.

The land above described as PARCEL A and PARCEL B, being otherwise described as:

All that certain tract or parcel of land situate, lying and being in Government Lots 2 and 4, of Section 19, Township 23 south, Range 36 East, in Brevard County, Florida, and being more particularly described as follows:

Beginning at a concrete monument on the Easterly right of way line of U. S. Highway No. 1 (State Road No. 5), as presently located, 318.12 feet South of the North line of said Government Lot 4, (said concrete monument is South 40 degrees East 46.4 feet from the center of a concrete culvert under said U. S. Highway No. 1); thence, run South 89 degrees, 59 minutes, 40 seconds East, 1040 feet along the South line of Roseveer Terrace, according to plat of said subdivision recorded in Plat Book 4, page 70, of the Public Records of Brevard County, Florida, to a concrete monument set on the West bank of the Indian River, (an 8 inch palm bears South 58 degrees West 42 feet; a gum tree (7 inches) bears North 47 degrees West 53.5 feet), and thence continue on the same course to and into the waters of the Indian River; thence run Northwesterly, meandering the waters edge of the Indian River, a distance of 753 feet to an iron pipe set at the Southeast corner of the lands of Conrad W. Cramer and Ruth D. Cramer, husband and wife, as described in Deed Book 345, page 314, Public Records of Brevard County, Florida; thence run South 75 degrees, 14 minutes, 20 seconds West along the South line of said lands of Conrad W. Cramer and Ruth D. Cramer, as described in Deed Book 345, page 314, a distance of 824 feet to an iron pipe set on the Easterly right of way line of U.S. Highway No. 1 (State Road No. 5) as presently located; thence go South 15 degrees, 14 minutes, 40 seconds East along the Easterly right of way line of said U. S. Highway No. 1 (State Road No. 5) as presently located, a distance of 461 feet to the concrete monument set at the point of beginning, together with all riparian, littoral and shore rights thereunto belonging or in anywise pertaining.

PARCEL NO. 14:
(Title vested by virtue of Deed recorded in ORB 886/678).

That part of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida, more particularly described as follows, to-wit: Begin at the NW corner of the aforesaid Government Lot 4; thence run S on the W line of said Government Lot 4, 323.77 feet, to a coquina post; thence S 89 degrees, 35 minutes E 549.75 feet, or or less to a concrete post set on the E side of U. S. Highway No. 1, for the point of beginning. From said point of beginning run thence S 14 degrees, 45 minutes E along the E side of said Highway 275.49 feet, to a concrete post, which post is 255 feet, S of the point of beginning by right angle measurements; thence run S 89 degrees, 35 minutes E and parallel to the N line of said

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Government Lot 4 and 589.77 feet, S therefrom a distance of 1,007 feet, more or less, to a concrete post; thence continue S 30 feet, more or less, to and into the waters of the Indian River; thence Northwesterly meandering the waters of the Indian River to a point distant at right angle measurements S of the N line of said Government Lot 4, 323.77 feet, thence N 89 degrees, 35 minutes W and parallel to the N line of said Government Lot 4, 1,039.5 feet, more or less, to the point of beginning.

PARCEL NO. 15:
(Title vested by virtue of Deed recorded in ORB ___/___).

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida; thence South on the West line of said Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to the North line of said Lot 4 a distance of 549.75 feet to a concrete post on the East right of way line of U.S. Highway #1; thence Southeasterly along said East right of way line a distance of 266 feet South of the last course by perpendicular measure to a concrete post; thence East parallel to the North line of said Lot 4 a distance of 695.67 feet to a concrete post for a Point of Beginning; thence south a distance of 90 feet; thence East parallel to the North line of said Government Lot 4 a distance of 150 feet; thence North a distance of 90 feet; thence West along a line parallel to the North line of said Government Lot 4 a distance of 150 feet to the Point of Beginning; together with easement for road right of way 20 feet wide running East and West from the Indian River to said Highway and bordering said parcel on the South and together with all riparian, littoral and shore rights belonging or in anywise pertaining.

PARCEL NO. 16:
(Title vested by virtue of Deed recorded in ORB 858/333).

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida; thence South on the West line of said Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to the North line of said Lot 4 a distance of 549.75 feet to a concrete post on the East right-of-way line of U. S. Highway No. 1; thence Southeasterly along said East right-of-way line a distance of 266 feet (the 266 feet measured perpendicularly) to a concrete post; thence East parallel to North line of said Lot 4 a distance of 845 feet to a concrete post for point of beginning; thence South a distance of 90 feet; thence East parallel to the North line of said Lot 4 a distance of 90 feet; thence North a distance of 90 feet; thence West parallel to the North line of said Government Lot 4 a distance of 90 feet to the Point of Beginning and being in Government Lot 4, Section 19, Township 23 South, Range 36 East, together with easement for road right-of-way 20 feet wide running East and West from Indian River to said Highway and bordering said parcel on the South.

PARCEL NO. 17:
(Title vested by virtue of Deed recorded in ORB 858/336).

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida, thence South on the West line of said Lot 4 a distance of

Continued on next page

FLORIDA GAS TRANSMISSION COMPANY

EASEMENT AGREEMENT

618-BREV-23

OFFICIAL RECS 999 PAGE 875

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STATE OF FLORIDA
DOCUMENTARY
SUR TAX
$.55
JAN 2 1968

Florida Gas Transmission Co.
LAND DEPT.
128.72
Inc in 1972 value.
5-1-69

EASEMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS that FLORIDA POWER & LIGHT COMPANY, a Florida corporation, sometimes hereinafter referred to as "Grantor", in consideration of the sum of One Dollar ($1.00) and other valuable considerations, receipt of which is hereby acknowledged, does hereby grant to the FLORIDA GAS TRANSMISSION COMPANY, a Delaware corporation, its successors and assigns, sometimes hereinafter referred to as "Grantee", the right for the Grantee to use the following described property for the sole and exclusive use as a meter and regulator site in connection with supplying gas to Grantor's Cape Kennedy Power Plant.

Box 44, Winter Park, Fla.

A tract of land in Section 19, Township 23 South, Range 36 East, Brevard County, Florida, being more particularly described as follows: For a point of reference, commence at the southwest corner of Lot 32 "Plat of Clearview Terrace" as recorded in Plat Book 12, page 46 of the public records of Brevard County, Florida, thence N 79°55'52" E along the north right-of-way line of Clear View Drive and the projection of the north right-of-way line of Clear View Drive 636 feet to the westerly right-of-way line of Hwy U. S. #1, thence N 66°34'42" E 173.95 feet, thence N 14°26'58" W 10.94 feet, thence S 75°33'02" W 15 feet to the Point of Beginning of this description; (said point being a concrete monument) thence N 14°26'58" W 80 feet to a concrete monument, thence N 75°33'02" E 110 feet to a concrete monument, thence S 14°26'58" E 80 feet to a concrete monument, thence S 75°33'02" W 110 feet to the Point of Beginning, containing 0.18 acres.

The Grantee agrees that in the event the Grantor requires said meter and regulator site in connection with the enlargement or improvement of or additions to its Cape Kennedy Power Plant facilities or otherwise, then, upon written request of Grantor to Grantee, the Grantee shall relocate said meter and regulator site within ninety (90) days after Grantee's receipt of such written request at Grantee's sole cost and expense and at no cost or expense to Grantor at another location on Grantor's Cape Kennedy Power Plant property designated by Grantor and satisfactory to Grantee.

That the Grantee takes cognizance of the fact that the lines of the Grantor on or adjacent to the property covered by the herein granted easements are conductors of high voltage electricity; that the Grantee agrees to exercise extraordinary precaution so as to prevent damage or injury to property or persons in the vicinity of such lines; and that the Grantee agrees to notify its employees, agents, contractors, invitees and licensees of the existence of said high voltage lines.

That Grantee shall indemnify and save Grantor harmless from all loss, liability and expense, including legal fees and expenses, for the death or injury of any person and damage to any property during the term of the easement hereby granted, without reference to negligence, resulting from or connected with the easements hereby granted.

DOCUMENTARY SUR TAX
COLLECTED $ .55

That the word "Grantor" as used in this Agreement shall not only include Florida Power & Light Company but also its successors, trustees and assigns.

All of the rights of the Grantee hereunder may be assigned to a Trustee or Trustees under a deed of trust and mortgage as security for indebtedness of the Grantee and such rights may be further assigned in connection with the enforcement of any such deed of trust and mortgage; the obligations hereunder of Grantee may be performed by such Trustee or Trustees or any further assignee without releasing Grantee therefrom but neither such assignment, the acceptance thereof nor any performance hereunder by such Trustee or Trustees or further assignee shall obligate such Trustee or Trustees or assignee to perform such obligation.

The terms and conditions hereof shall be binding upon and inure to the benefit of the successors, trustees and assigns of the parties hereto.

The term of this easement shall be concurrent with the term of that certain Natural Gas Transportation Agreement dated May 12, 1965, covering the supply of gas to said Cape Kennedy Power Plant.

WITNESS the signature and seal of Grantor, by its proper officers, this 28 day of November, 1967.

WITNESS:

Barbara N. Kennedy

Lillian Gladbury

FLORIDA POWER & LIGHT COMPANY

By: _____
Executive Vice President

ATTEST: _____
Secretary

STATE OF FLORIDA)
COUNTY OF DADE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared R. C. Fullerton and W. F. Blaylock, to me known and known to be the persons described in and who executed the foregoing instrument as its Executive Vice President, and Secretary, respectively, of the corporation named therein, and severally acknowledged before me that they executed the same as such officers in the name and on behalf of said corporation.

WITNESS my hand and official seal in the State and County last aforesaid this 28 day of November, 1967.

Lena L. Bentley
Notary Public

My commission expires:

NOTARY PUBLIC, STATE of FLORIDA at LARGE
MY COMMISSION EXPIRES SEPT. 7, 1968

RECEIVED
DEC 1 1967
Florida Gas Transmission Co.
LAND DEPT.

FILED AND RECORDED
BREVARD COUNTY, FLA.
VERIFIED
1968 JAN 4 PM 12 00
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CLERK CIRCUIT COURT
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BREVARD COUNTY
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STATE OF FLORIDA
DOCUMENTARY STAMP TAX
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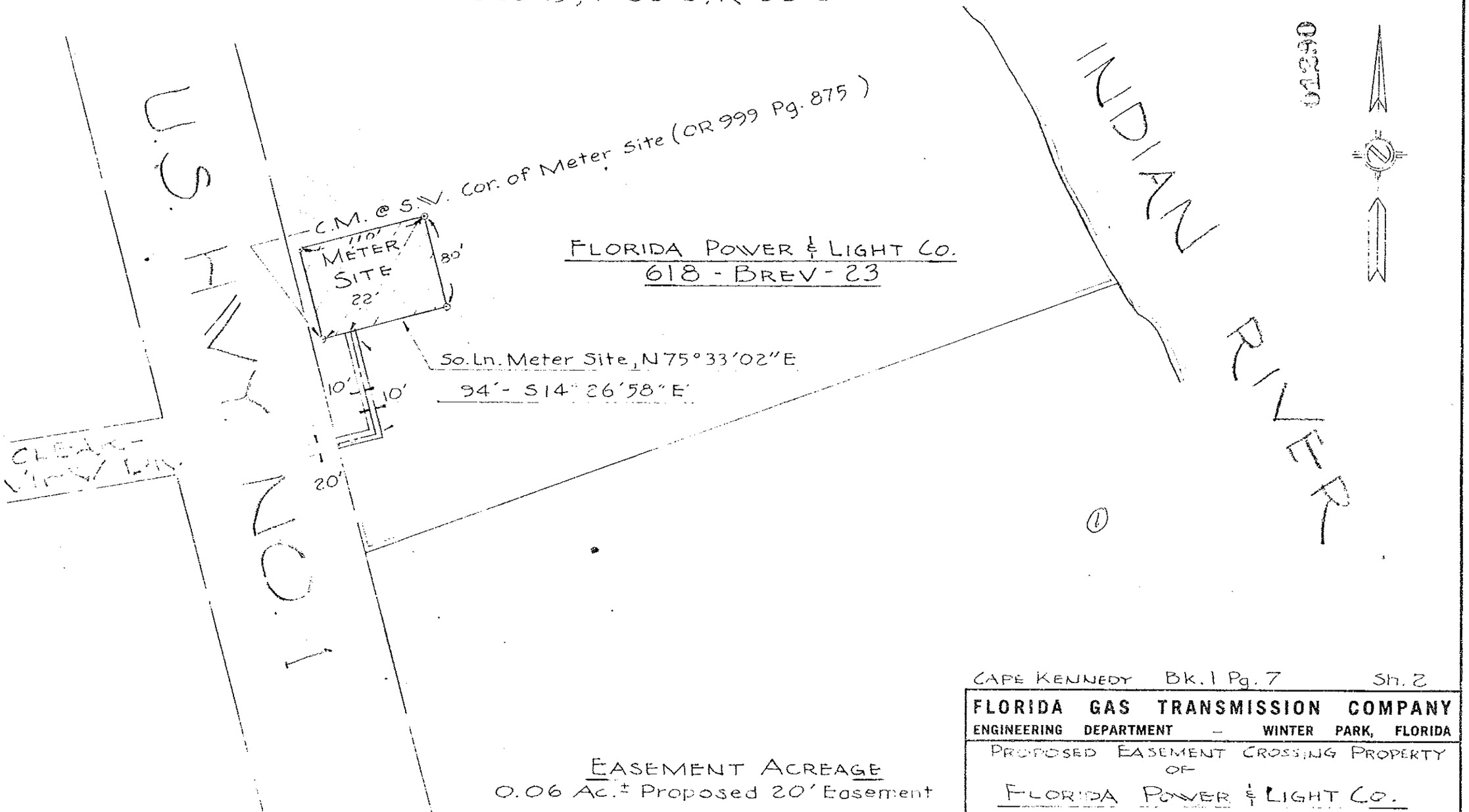
SEC. 19, T-23-S, R-36-E



FLORIDA GAS TRANSMISSION COMPANY			
ENGINEERING DEPARTMENT — WINTER PARK, FLORIDA			
PROPOSED EASEMENT CROSSING PROPERTY OF FLORIDA POWER & LIGHT CO. SEC. 19 T-23-S R-36-E BREVARD CO., FLA.			
DRAWN BY: FC	DATE: 4-26-63	APPROVED BY: [illegible]	APPROVED BY: CHIEF ENGR.
CHECKED BY:	DATE: [illegible]	W. O. 22618	DWG. NO. 618-1-23 E
APPROVED BY: E.M.J.	DATE: 4-29-63	SCALE: 1" = 100'	

NO.	DATE	REVISION	DR.	CK'D	APPR.