

Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

December 26, 1991

Robert E. Yarbrough
Seminole Electric Cooperative, Inc.
Post Office Box 272000
Tampa, Florida 33688-2000

Dear Mr. Yarbrough:

The Department has reviewed the additional information and mitigation drawings submitted on September 27 for the 8 mile section of the proposed transmission line from the Hardee Power Station to the Vandolah Substation. It is possible that the proposed hydrologic enhancement of Myrtle Slough may be sufficient to offset the adverse effects of the permanent clearing and filling associated with the Hardee-Vandolah portion of the transmission line. However, the Department does not currently have enough information to make that final determination. In addition, the Department does not currently believe that the proposed wetland creation near Myrtle Slough or the proposed plantings around Lake Webb will constitute acceptable mitigation to offset wetland losses associated with either the 8 mile section of the project or wetland losses associated with the remainder of the project that will connect to this transmission line segment. However, in recognition of the time constraints associated with the 8 mile segment of the line, the past history of the certification process for this project, and our belief that an acceptable mitigation plan can be developed to offset the losses associated with the 8 mile segment of the project, the Department will not object to the initiation of construction on the transmission line between the Hardee Power Station and the Vandolah Substation, provided that Seminole Electric Cooperative, Inc. (SECI) mitigates for the 2.7 ac. of permanent forested clearing as well as the 1.19 ac. of filling that will result from the project in accordance with the following time table:

1. Within 30 days of the date of this letter, SECI shall provide the Department with additional information on the proposed mitigation associated with the enhancement to Myrtle Slough, including recent, 1 in. = 200 ft. (minimum scale), high resolution aerial photographs of the mitigation site with DER jurisdictional lines superimposed. The proposal should also include an estimate of the acres of DER jurisdictional wetlands that will be enhanced by the work, details of berm elevations and control structures, estimates of pre and post wet season high water elevations, and

estimates of the frequency of discharge (X yr./X hr.) over the control structure(s) into Myrtle Slough. This information will be used to determine the appropriateness of the mitigation proposal and the acreage of credit that can be assigned to offset the wetlands that will be affected within the initial 8 mile long segment of the transmission line. The Department reserves the right to determine that additional mitigation will be necessary to offset the losses from this segment of the transmission line.

2. Within 30 days of the date of the Departmental response to the above submittal, SECI shall submit final mitigation plans to the Department for those portions of the mitigation plan that the Department has found acceptable, and preliminary plans, including the types of information required in 1., above, for any additional mitigation that is deemed appropriate following the review of the information required above.

3. Within 30 days of the date of the Department response to the additional mitigation proposal required by 2., above, SECI shall submit final drawings for those portions of the additional mitigation work that the Department has approved for the 8 mile segment. Steps 2 and 3 above shall be repeated within the specified time frames until sufficient mitigation for the 8 mile segment has been provided.

4. Upon receipt of the final mitigation plans required by 3., above, the Department will review all the final mitigation proposals and, as appropriate, will approve the overall final mitigation plan for the 8 mile segment.

5. Construction of the final approved mitigation plan shall commence not later than six months after final Departmental approval of the mitigation plans for the 8 mile segment, and shall be completed within one year of the approval of those plans or within one year of the completion of construction of the 8 mile segment of transmission line, whichever occurs first, unless an alternate time schedule is approved in writing by the Department.

6. SECI shall be bound by the monitoring and success criteria that are required in the final Departmental approval of the overall mitigation plan for the 8 mile segment, and shall agree to perform remedial work as necessary until the mitigation work is deemed by the Department to meet the specified success criteria.

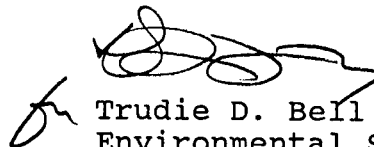
The above mitigation plan may be used to offset only those impacts associated with the 8 mile segment of the transmission line from the Hardee Power Plant to the Vandolah Substation, unless the Department determines that excess mitigation credit will result

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from the wetlands enhancement. If that is the case, the wetlands enhancement may also be applied as credit to other portions of the transmission line. However, at present, it appears that additional mitigation will need to be developed to offset wetland losses from both the 8 mile segment of the transmission line and from the remainder of the transmission line that are not fully offset by the Myrtle Slough enhancement work. SECI should consider developing additional mitigation options other than the wetland creation and Webb Lake plantings that have been proposed to date. Possible alternative mitigation designs that may be appropriate include: 1) working with the City of Punta Gorda to reroute the existing City of Punta Gorda Wastewater Plant discharge from Myrtle Slough to existing uplands and wetlands south of the spray field to provide hydrologic enhancement to wetlands that eventually discharge into Myrtle Slough; 2) the purchase and donation of additional lands to the Webb Wildlife Management Area, or working with the State to purchase the Charlotte County Flatwoods parcel, which is currently listed as number 20 on the CARL list; and 3) other wetland enhancement and preservation work on tributaries to the Peace River, such as Alligator Creek at the north end of the Webb lake.

If there are any questions, please contact me at (904)488-0130.

Sincerely,



Trudie D. Bell
Environmental Supervisor
Wetland Resource Regulation

TDB/df

cc: Bob Stetler, DER, Tampa
Gordon Romeis, DER, Ft. Myers
Buck Oven, DER, Siting Coordination
Richard Donelan, DER, OGC