



November 13, 2008

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Mr. Mike Halpin, Administrator
Siting Coordination Office
Florida Department of Environmental Protection
2600 Blairstone Road, MS 48
Tallahassee, FL 32399

RE: Site Certification Application, FWC Preliminary Statement of Issues, Progress Energy
Florida Levy Nuclear Plant, Power Plant and Associated Facilities, Levy County, Florida

Dear Mr. Halpin:

The Division of Habitat and Species Conservation, Habitat Conservation Scientific Services section, of the Florida Fish and Wildlife Conservation Commission (FWC) has coordinated our agency's review of Progress Energy's Levy Nuclear Plant Power Plant and Associated Facilities application. Pursuant to Florida Statutes 403.5066 this letter serves to identify the FWC's Preliminary Statement of Issues regarding the application. More specific information will be contained in our Agency Report. FWC staff is continuing to work with Progress Energy to address these issues as part of developing recommended conditions of certification.

Effects to State listed species

The Levy Nuclear Power Plant and its associated facilities will likely impact state-listed species, as described in the application. Accordingly, incidental take permits will need to be obtained for gopher tortoises (threatened) and their commensal species, and possibly for Sherman's fox squirrels and red-cockaded woodpeckers (both species of special concern). The Florida manatee (endangered) is also known to occur in the Cross Florida Barge Canal up to the Inglis Lock and Dam. Monitoring and mitigative measures will likely be needed to avoid impacts to the Florida manatee during construction and operation of the cooling water intake and trash rake structures.

Baseline biological and hydrological data

1. Cross Florida Barge Canal

Changes in water quality and fauna will occur over seven miles of Cross Florida Barge Canal, based upon Progress Energy's Modeling information. There is also the possibility of affecting the water quality and ecology of the Withlacoochee River. The baseline data for the Withlacoochee River encompasses an area from the Inglis Dam to the Cross Florida Barge Canal only and is derived from a single sampling event. There were no stations or samples taken in the lower Withlacoochee River on the north side of the Cross Florida Barge Canal. The baseline data for the Cross Florida Barge Canal are from a single sampling season during drought conditions. The existing data provide a faunal inventory, but by itself such an inventory is not sufficient for determining the potential effects of this project. In order to adequately determine a more accurate baseline for both the Cross Florida Barge Canal and the Withlacoochee River, including both sections of the river, it will be necessary to sample over multiple years over variable climatic conditions with changes in the sampling protocols.

2. Discharge via the Crystal River Energy Complex

Progress Energy proposes to discharge the new plant's effluent to the existing Crystal River Energy Complex's discharge canal. Depending on the extent of change, alterations in temperature and salinity may affect the aquatic biological resources present; however, the hydrological modeling may not adequately represent the temperature and salinity plumes that may be expected. There may also be a nutrient component to be addressed.

There is incomplete information on the environmental baseline conditions and biological effects at the existing Crystal River Energy Complex.

Impacts to aquatic species, habitat, and a lack of mitigation

1. Cross Florida Barge Canal

The anticipated flows into the cooling water intake structure, located near the Inglis Lock and Dam, are expected to result in changes for at least seven miles down the Cross Florida Barge Canal and in the Withlacoochee River. It is uncertain what the potential impacts to aquatic organisms will be due to impingement and entrainment through the intake structure. Additionally there are no mitigation plans to address the impacts that may occur to organisms in the Cross Florida Barge Canal or to the Withlacoochee River. While no state agency currently has plans for restoration of the Withlacoochee River, it should be noted that the siting of the cooling water intake structure and barge slip, near the Inglis Lock and Dam, will likely preclude restoration plans that may be developed in the future.

2. Marine and Estuarine environment

Seagrass studies have been conducted for the Crystal River Energy Complex since the 1980's. These studies indicate that there has been no improvement in the seagrass coverage over time from the initial damage and decline in the seagrass coverage caused by the thermal discharge plume. Although the extent of impacts to marine fauna is unknown, it can be assumed that changes in the seagrass coverage have impacted the associated faunal community. Oyster habitats in the nearshore areas have been severely impacted as well. There are no mitigation plans to address the cumulative impacts of the combined discharge to the seagrasses, nearshore oyster habitats, or fauna that would be covered under this certification and the new National Pollution Discharge Elimination System permit.

If you or your staff would like to coordinate further on the statement of issues contained in this report, please contact me at 850-410-5272 or email me at marvann.poole@MyFWC.com, and I will be glad to help make the necessary arrangements. If your staff has any specific questions regarding our comments, I encourage them to contact Theodore Hoehn at 850-488-3831 or by email at ted.hoehn@myFWC.com.

Sincerely,



Mary Ann Poole, Director
Office of Policy and Stakeholder Coordination

map/tsh
ENV 2-11-2/3
Progress Levy Nuclear_1452_11-08
cc: Mr. Jamie Hunter, Progress Energy
Mr. Marc Harris, DEP