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August 27, 2008

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

RE: Site Certification Application, Progress Energy Florida Levy Nuclear Plant  
Powerline Transmission corridor, Levy County, Florida; Agency Report and  
Recommended Conditions

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 Powerline  
Transmission Line Project and provides the enclosed Agency Report and  
recommendations for conditions to be included in the project certification.

The applicant will need to comply with the FWC listed species requirements prior to  
construction of the transmission lines. This may also include monetary requirements as  
specified in the Gopher Tortoise Management Plan and Gopher Tortoise Permitting  
Guidelines (Chapter 68-27, Florida Administrative Code (F.A.C.)). We recommend  
approval of the Progress Energy Florida Levy Nuclear Plant Powerline Transmission  
corridor certification with the inclusion of recommended conditions related to listed  
species and their habitats.

If you or your staff would like to coordinate further on the recommendations contained in  
this report, please contact me at 850-410-5272, or email me at  
[maryann.poole@MyFWC.com](mailto:maryann.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 Mr. Theodore Hoehn (850-488-3831); email  
[ted.hoehn@myFWC.com](mailto:ted.hoehn@myFWC.com).

Sincerely,

Mary Ann Poole, Director  
Office of Policy and Stakeholder Coordination

map/tsh  
ENV 1-3-2  
Progress Levy Nuclear\_1452\_Agency Report Letter

Enclosures: 2  
cc: Mr. Jamie Hunter, Progress Energy  
Mr. Bruce Day, WRPC

**Enclosure 1: FWC's Agency Report and Recommendations for Conditions to be included in the State Certification, Progress Energy Florida Levy Nuclear Plant Powerline Transmission corridor, Levy County, Florida.**

*Coordinated and submitted by Ted Hoehn, August 2008*

**Project Description**

The project consists of the proposed construction of transmission lines between the proposed Levy Nuclear Plant and the following substations: Central Florida, located west of Wildwood adjacent to SR 44; the proposed Citrus substation located west of U.S. Highway 19 (US 19) along the existing Crystal River transmission line right-of-way (ROW); and the Brookridge substation, located between State Road (SR) 589 (Suncoast Parkway) and US 19, north of SR 50. An additional transmission line will be required to connect the proposed Citrus substation to the existing Crystal River Energy Complex.

**Affected Resources**

A listing of all the state and federally listed species and their status is enclosed (Enclosure 2).

The majority of the proposed corridors intersect the red-cockaded woodpecker (RCW) (*Picoides borealis*, FL-Species of Special Concern [SSC]) federal consultation areas. In addition, the proposed transmission corridor from the proposed Levy Nuclear facility to the Brookridge substation intersects known RCW nesting locations and is within 1000 meters of additional nesting locations in the Withlacoochee State Forest. Also, the proposed transmission corridor from the proposed Levy Nuclear facility to the proposed Central Florida South substation intersects known RCW nesting locations and is within 1000 meters of additional nesting locations in the Withlacoochee State Forest, Halpata Tastanaki Preserve, the Lake Panasoffkee Management Area, and the Flat Island Preserve. In addition, the corridors for the relocation of transmission lines, from the Brookridge substation with the Lake Tarpon Substation, intersect known RCW nesting locations and are within 1000 meters of additional nesting locations in the Starkey Wilderness Park and Brooker Creek Buffer Preserve.

The entire project is within the Florida scrub jay (*Aphelocoma coerulescens*, FL-Threatened [T]) federal consultation area. There are known occurrences of the Florida scrub jay within 1000 meters of the proposed Levy Nuclear Plant and the proposed transmission corridor from the proposed Levy Nuclear facility to the proposed Central Florida South substation. There are also known occurrences of the Florida scrub jay within 1000 meters of transmission corridor from the Brookridge substation with the Lake Tarpon Substation.

The transmission corridor from the proposed Ross Prairie substation to the proposed Central Florida South substation intersects the snail kite (*Rostrhamus sociabilis plumbeus*, FL-Endangered [E]) federal consultation areas.

The area around the proposed Levy Nuclear Power plant also is known to contain bald eagle (*Haliaeetus leucocephalus*, no longer listed as threatened, but addressed by a Florida management plan), gopher tortoise (*Gopherus polyphemus*, FL-T), gopher frog (*Rana capito*, FL-SSC), and little blue heron (*Egretta caerulea*, FL-SSC). In addition, there is the potential for the eastern indigo snake (*Drymarchon couperi*, FL-T), short-tailed snake (*Stilosoma extenuatum*, FL-T), Florida mouse (*Podomys floridanus*, FL-SSC), and Sherman's fox squirrel (*Sciurus niger shermani*, FL-SSC) to be present.

The proposed transmission corridors from the proposed Levy Nuclear Plant to the Brookridge substation, re-location of the Citrus River E transmission line to Brookridge Substation, and the Brookridge substation to Lake Tarpon transmission corridor are likely to affect the gopher tortoise, gopher frog, little blue heron, white ibis (*Eudocimus albus*, FL-SSC ) southeastern American kestrel (*Falco sparverius paulus*, FL-T), Florida sandhill crane (*Grus canadensis pratensis*, FL-T), whooping crane (*Grus americana*, FL-SSC), eastern indigo snake, short-tailed snake, Florida pine snake (*Pituophis melanoleucus mugitus*, FL-SSC), Florida mouse, and Sherman's fox squirrel.

The proposed transmission corridors from the proposed Levy Nuclear Plant to the proposed Central Florida South substation are also likely to affect gopher tortoise, gopher frog, little blue heron, white ibis, southeastern American kestrel, Florida sandhill crane, whooping crane, eastern indigo snake, short-tailed snake, Florida pine snake, Florida mouse, and Sherman's fox squirrel.

The following are conditions that we recommended be included in special conditions as part of the certification process to address wildlife species.

#### **General Listed Species Surveys**

1. The applicant will coordinate with the FWC to obtain the current survey protocols for all listed species that may occur within the transmission line corridor or could be affected by the transmission corridor prior to conducting detailed surveys for the selected transmission line right-of-way (ROW) once access has been obtained.
2. The results of those detailed surveys will be provided to FWC and coordination will occur with the FWC on appropriate impact mitigation methodologies, as authorized by Article IV, Sec. 9, Fla. Constitution; Section 403.5113(2), Florida Statute (F.S.); Rule 62-17.191, Florida Administrative Code (F.A.C.); Section 379.2291, F.S.; and 68A-27, F.A.C.

#### **Gopher Tortoise**

1. The applicant will conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (adopted in 2007) and Gopher Tortoise Permitting Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to

subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4, Methods for Burrow Surveys on Development (Donor) and Recipient Sites. Surveys must be conducted within 90 days of when an application is submitted to the FWC; however, surveys shall not be conducted within 30 days of any ground disturbance or clearing activities on the donor site. All surveys completed by authorized agents or other permittees are subject to field verification by the FWC. The gopher tortoise surveys should be conducted during the months of April through October.

2. A permit is not required for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow; harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.
3. The applicant will coordinate with and provide the FWC a detailed gopher tortoise relocation permit application in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines. This permit application will provide information on the location for on-site recipient areas and any off-site FWC-approved recipient site, as well as appropriate mitigation contributions.
4. Any commensal species observed during the burrow excavations that are listed by the U.S. Fish and Wildlife Service (USFWS) or FWC will be relocated in accordance with the applicable guidelines for that species.

Citations: Article IV, Sec. 9, Fla. Const.; Section 403.5113(2), Florida Statute (F.S.); Rule 62-17.191, Florida Administrative Code (F.A.C.); Section 379.2291, F.S.; and Rule 68A-27.004, F.A.C.

### **Bald Eagle**

1. The applicant will avoid impacts to bald eagle (*Haliaeetus leucocephalus*) nests where possible. If impacts cannot be avoided within the 660-foot nest buffer zone, construction activities will be conducted consistent with the FWC Eagle Management Guidelines, outlined in the FWC Bald Eagle Management Plan, dated April 9, 2008, or any subsequent versions. In areas where bald eagle nests are present, efforts will be made to avoid construction activities during the nesting season (October 1 – May 15), or when eagles are present before October 1 or after May 15.
2. In accordance with the FWC Eagle Management Guidelines, for construction areas that fall within 330 feet of an active or alternate bald eagle nest, construction activities will be conducted only during the non-nesting season (May 16 – September 30). Any construction activities that fall within 660 feet of the nest during the nesting season will be conducted following USFWS Bald Eagle Monitoring Guidelines, dated 2007, or subsequent versions.
3. In areas where adverse impacts to nests cannot be avoided, resulting in nest disturbance, the information required for an FWC Eagle Permit will be

obtained from the FWC, as authorized by Section 372.072, F.S., and Rule 68A-16.002, F.A.C, and minimization and conservation measures outlined in the FWC Bald Eagle Management Plan will be followed, as applicable.

Citations: Article IV, Sec. 9, Fla. Const.; Section 403.5113(2), Florida Statute (F.S.); Rule 62-17.191, Florida Administrative Code (F.A.C.); Section 379.2291, F.S.; Rule 68A-27 F.A.C; and Rule 68A-16.002, F.A.C.

#### **Red-cockaded Woodpeckers**

1. The applicant will coordinate with the FWC prior to conducting surveys for red-cockaded woodpeckers (*Picoides borealis*) to insure that surveys are in accordance with the FWC-approved Red-Cockaded Woodpecker Management Plan, adopted in 2003 and the USFWS Red-Cockaded Woodpecker Recovery Plan.
2. The applicant will provide the FWC with the red-cockaded woodpecker survey results and identify where impacts to red-cockaded woodpeckers cannot be avoided.
3. The applicant will coordinate with the FWC to determine mitigative measures for areas where impacts to red-cockaded woodpeckers cannot be avoided.

Citations: Article IV, Sec. 9, Fla. Const.; Section 403.5113(2), Florida Statute (F.S.); Rule 62-17.191, Florida Administrative Code (F.A.C.); Section 379.2291, F.S.; Rule 68A-27, F.A.C.; and Rule 68A-16.001, F.A.C..

#### **Avian Protection Plan**

1. The applicant will coordinate with the FWC in the development of an Avian Protection Plan that delineates a program designed to reduce the operational and avian risks that result from avian interactions with electric utility facilities with the goal of reducing avian mortality. Guidelines for the Avian Protection Plan can be found on the USFWS website at:

<http://www.fws.gov/migratorybirds/issues/APP/AVIAN%20PROTECTION%20PLAN%20FINAL%204%2019%2005.pdf>

Citations: Article IV, Sec. 9, Fla. Const.; Section 403.5113(2), Florida Statute (F.S.); Rule 62-17.191, Florida Administrative Code (F.A.C.); Section 379.2291, F.S.; Rule 68A-27, F.A.C.; and Rule 68A-16.001, F.A.C..

Enclosure 2: State- and federally listed species potentially occurring or known to occur on the project area

Common Name	Scientific Name	FL Status	Federal Status
Gopher frog	<i>Rana capito</i>	SSC	
Eastern indigo snake	<i>Drymarchon couperi</i>	T	T
Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	SSC	
Short-tailed snake	<i>Stilosoma extenuatum</i>	T	
Gopher tortoise	<i>Gopherus polyphemus</i>	T	
Florida scrub jay	<i>Aphelocoma coerulescens</i>	T	T
Little blue heron	<i>Egretta caerulea</i>	SSC	
White ibis	<i>Eudocimus albus</i>	SSC	
Southeastern American kestrel	<i>Falco sparverius paulus</i>	T	
Florida sandhill crane	<i>Grus canadensis pratensis</i>	T	
Whooping crane	<i>Grus americana</i>	SSC	E* (federal lands)
Red-cockaded woodpecker	<i>Picoides borealis</i>	SSC	E
Snail kite	<i>Rostrhamus sociabilis plumbeus</i>	E	E
Florida mouse	<i>Podomys floridanus</i>	SSC	
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	SSC	
Florida back bear	<i>Ursus americanus floridanus</i>	T	