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MyFWC.com

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, 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.

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 Tasthanaki 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>Peromyscus floridanus</i>	SSC	
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	SSC	
Florida back bear	<i>Ursus americanus floridanus</i>	T	

Appendix II-E: Southwest Florida Water Management District



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Southwest Florida Water Management District

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August 27, 2008

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Mike Halpin, Siting Coordinator
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Department of Environmental Protection
2600 Blair Stone Road MS 48
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Subject: Progress Energy Florida, Inc.
Levy County Nuclear Power Plant
Transmission Line Facilities
Power Plant Siting Application No. PA 08-51
SWFWMD OGC Case No. 2008048

Dear Mr. Halpin:

On August 26, 2008, the Governing Board approved the Southwest Florida Water Management District's Agency Report on the transmission line corridor portion of Progress Energy Florida's Levy County Nuclear Power Plant Units 1 and 2 certification application. A copy of the District's Agency Report with recommended conditions for certification is enclosed with this letter.

If you have any questions concerning this matter, you may contact me at the District's Brooksville headquarters at extension 4660.

Sincerely,

Martha A. Moore
Senior Attorney

Enclosure

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**Progress Energy Florida, Inc. Levy County Nuclear Power Plant
Units 1 & 2 Transmission Line Facilities
Siting Application No. PA08-51
DOAH Case No. 08-2727
SWFWMD OGC Case No. 2008048**

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT – AGENCY REPORT

STAFF RECOMMENDATION – APPROVAL WITH CONDITIONS

Procedural Overview

Effective July 1, 2008, the Florida Electrical Power Plant Siting Act, 403.501-518, Florida Statutes (F.S.), and the Florida Electric Transmission Line Siting Act, 403.52 - 5365, F.S., were amended as part of the comprehensive package of "Energy Bill" amendments intended to improve energy efficiency and reliability, promote cleaner energy production and reduce carbon emissions that may cause climate change. The amendments streamline the certification process for electrical power plants. Amendments also allow for alternate electric transmission line corridors to be considered as part of this process in lieu of a separate transmission line certification process. The process for agency review of certification applications accordingly has been revised.

Progress Energy Florida, Inc. seeks site certification for its proposed Levy Nuclear Power Plant, Units 1 & 2 (LNP) to be located on a 3,100-acre site in southern Levy County. The proposed LNP will generate 2,200 megawatts of power that will be transmitted through power lines spanning Levy, Citrus, Marion, Sumter, Hernando, Hillsborough, Pinellas and Polk Counties. Approximately 178 miles of proposed transmission line corridors necessary for distributing electricity generated from the LNP are included in this site certification application. Approval of the transmission line portion of the application is proceeding under a more compressed schedule than the main power plant and associated facilities component of the application.

On July 2, 2008, District staff submitted its comments on the completeness of the transmission line portions of the application to the Department of Environmental Protection (DEP). District staff found the application incomplete regarding the potential impacts to District land resources included within the proposed corridors. On July 9, 2008, DEP issued its determination that the application was incomplete. Progress Energy responded sufficiently to all reviewing agency comments by the deadline of July 23, 2008. On August 6, 2008, the District filed its Preliminary Statement of Issues on the specified transmission lines. On August 13, 2008, DEP issued its determination that the application was complete for purposes of review and issuance of the required agency reports on the transmission line corridors. Agency reports and recommended conditions must be submitted to DEP by September 2, 2008; however, agencies with collegial

bodies as heads are allowed until September 17, 2008 to file their agency reports. DEP must file its project analysis on the transmission line corridors by September 25, 2008.

The site certification process allows interested persons to propose alternate corridors for the planned transmission lines. Alternate corridors must be filed by September 11, 2008, and be accepted or rejected for consideration by DEP and Progress Energy by September 18, 2008. If alternate corridors are accepted for consideration, the District will have until October 24, 2008 to advise DEP of the completeness of the alternate proposals. If incomplete, proponents of alternate corridors have until November 14, 2008 to submit additional information. Reviewing agencies must issue a completeness determination by November 24, 2008 and if complete, agency reports will be due December 26, 2008.

The District's agency report on the main site and associated facilities other than specified transmission lines is also due to DEP by December 26, 2008. Staff anticipates seeking approval of this agency report at the December Governing Board meeting. The Division of Administrative Hearings certification hearing is currently scheduled to occur February 23 – March 20, 2009 in Levy County. The anticipated date for Siting Board approval of the LNP is July 14, 2009.

Proposed Transmission Line Corridors

Progress Energy's proposed transmission line corridors are co-located with existing transmission line rights of way where possible and generally follow road rights of way or similar disturbed areas. The proposed transmission line corridors cross and thus potentially impact seven District land resources: Halpata Tastanaki Preserve, Two Mile Prairie, Lake Panasoffkee, Annutteliga Hammock, Upper Hillsborough FDA, Lower Hillsborough FDA and Brooker Creek Preserve. District staff has met with representatives for Progress Energy to resolve concerns. If there remain any unavoidable impacts to District land resources, and rights-of-way or access routes are necessary through District lands, it is proposed that the District will be compensated for fair-market value in addition to the loss of intended use of lands. Rights-of-way will not be determined until after the transmission line corridors, which can be a mile wide, are certified. Progress Energy will consult with the District on the location of the rights of way and design of the transmission lines, to maximize compatibility of the transmission lines with District land uses as needed. District staff has proposed conditions of certification that require post-certification information submittals necessary to assure impacts to District land resources are minimized and that any environmental or construction-related impacts to surface water management features are appropriately addressed.

Staff Recommendation

This report contains the District's recommendations to DEP regarding conditions for certification of the proposed transmission line corridors for Progress Energy's proposed

Levy County Nuclear Power Plant. Under the current operating agreement between the District and DEP, DEP is responsible for conducting the Environmental Resource Permitting-related review of the project area, employing District substantive ERP rules as adopted by DEP. Due to the fact that the actual right-of-way locations for the proposed transmission lines will not be determined until after the corridors are certified, additional detailed information and review procedures are proposed as post-certification submittals once the acquired rights-of-way are determined. This allows for District verification of compliance with the substantive conditions set forth in Chapter 40D-4, F.A.C., Part B, Basis of Review of the District's ERP Information Manual. Staff recommends approval of the proposed transmission line corridors portion of this power plant certification application, subject to the recommended conditions of certification attached hereto and incorporated herein as Exhibit "A," and recommends forwarding of this Agency Report to DEP for inclusion in its project analysis and proposed conditions of certification for the transmission line component of this power plant certification.



Bobby Lue, Director
Brooksville Regulation Department

Date: 8/27/08



Fritz Musselmann, Director
Land Resources Department

Date: 8/27/08

EXHIBIT A

**SWFWMD PROPOSED CONDITIONS OF CERTIFICATION
PROGRESS ENERGY FLORIDA, INC.
LEVY NUCLEAR POWER PLANT UNITS 1 & 2
Siting Application No. PA08-51
DOAH Case No. 08-2727
SWFWMD OGC Case No. 2008048**

Transmission Line Facilities

1. The proposed transmission lines will be co-located within existing rights-of-way (ROWs) and other impacted areas wherever feasible.
2. Progress Energy Florida (PEF) shall provide to SWFWMD a copy of all post-certification filings for finalization of the ROW locations and the construction and operation of the transmission line facilities, including any access roads or surface water management system facilities, for those portions located within the SWFWMD.
3. A copy of the aerial photographs provided to DEP to show the boundaries of the acquired ROW within the SWFWMD will also be provided to SWFWMD. SWFWMD shall have an opportunity to review the photographs and notify DEP of any apparent conflicts with the requirements of the Conditions of Certification.
4. PEF shall provide reasonable assurance that the construction, operation and maintenance of non-exempt surface water management system structures and access roads in support of the proposed transmission line facilities will satisfy the criteria set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and applicable provisions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual. PEF shall provide sufficient information on a post-certification basis to demonstrate that there is reasonable assurance of compliance with SWFWMD substantive permitting requirements, including avoidance of secondary wetland dredging and/or filling impacts and avoidance of floodplain impacts. Where necessary, equivalent floodplain compensation to achieve no net loss in floodplain storage will be provided.
5. To the extent practicable, access roads, culverts and structures shall be located to avoid conflict with existing or permitted surface water management systems, permitted water withdrawal facilities or agricultural ground and surface water management projects as documented in SWFWMD records.
6. During location of the ROW and design of the transmission line in areas where the transmission line will cross over, on, under, or otherwise use SWFWMD-owned lands, PEF will consult with the SWFWMD with respect to the location of the ROW and the design of the transmission line in such areas with a view to maximizing the

compatibility of the transmission line with the purposes for which the land was acquired by SWFWMD to the extent practicable and in compliance with the National Electrical Safety Code and good engineering practices.

7. For transmission line easements that will cross over, on, under, or otherwise use SWFWMD lands, PEF will provide independent appraisals of the land to be included in the transmission line ROW and will provide compensation to SWFWMD in an amount agreed upon by SWFWMD and PEF. For lands acquired for conservation purposes, such amount shall be sufficient to compensate SWFWMD for the fair-market value of the land in addition to the loss of intended use of the land within the transmission line ROW. For lands acquired for other purposes, compensation shall be based upon the highest and best use of the property.

Citation: Sections 373.085, 373.089, 373.093, 373.099, 373.414 and 373.416, F.S.; Rules 40D-4.301 and 40D-4.302, F.A.C., District Environmental Resource Permit Manual Part B, Basis of Review Chapter 4; Chapter 40D-9, F.A.C.

Appendix II-F: St. Johns River Water Management District



St. Johns River Water Management District

Kirby B. Green III, Executive Director • David W. Fisk, Assistant Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500

On the Internet at www.sjrwmd.com.

September 9, 2008

Mike Halpin, Program Administrator
Florida Department of Environmental Protection
Siting Coordination Office
2600 Blair Stone Road, MS 48
Tallahassee, FL 3299-2400

Re: Progress Energy Florida – Levy Nuclear Power Plant Units 1 & 2
Site Certification Application – COAH Case No. 08-2727

Mr. Halpin:

Pursuant to Section 403.526(2)(a)2 of the Florida Statutes the St. Johns River Water Management District submits its Agency report for the transmission line corridor portion of the above referenced application.

Regards,

Kealey A. West
Assistant General Counsel

Enclosure

GOVERNING BOARD

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JACKSONVILLE

Susan N. Hughes, VICE CHAIRMAN
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ST JOHNS RIVER WATER MANAGEMENT DISTRICT
AGENCY REPORT
SEPTEMBER 9, 2008

Applicant: Florida Power Company
d/b/a Progress Energy Florida, Inc.
299 First Avenue North
St. Petersburg, FL 33733

Project: Progress Energy Florida, Inc. –
Levy County Nuclear Power Plant Units 1&2
DOAH Case No. 08-002727 / F.O.R. 2008-56

Background

Progress Energy Florida, Inc. (PEF) has applied to the Florida Department of Environmental Protection (DEP) seeking Site Certification for its proposed Levy Nuclear Power Plant, Units 1 & 2 (LNP) to be located on a 3,100-acre site in Levy County. The proposed LNP will generate power and transmit it through power lines in Citrus, Hernando, Hillsborough, Lake, Levy, Marion, Pinellas, Polk, and Sumter Counties. PEF proposes eight electrical transmission corridors, comprising approximately 178 miles of transmission lines.

Procedural Overview

Effective July 1, 2008, the Florida Electrical Power Plant Siting Act, 403.501-518, Florida statutes (Fla. Stat.), and the Florida Electric Transmission Line Siting Act, 403.522-5365, Fla. Stat., were amended as part of the comprehensive package of “Energy Bill” amendments. The amendments streamline the certification process for electrical power plants. Typically, transmission lines are processed through the Electric Transmission Line Siting Act and power plants are processed through the Electrical Power Plant Siting Act (PPSA). However, PEF has elected to include all new transmission lines associated with this nuclear power plant in the Site Certification Application as “associated facilities” to the plant. Therefore, the power plant and all associated transmission lines are being processed as a single application. However, the transmission line portion of the application is processing under a more compressed schedule than the main power plant and associated facilities.

The District’s agency report and recommended conditions for the transmission line portion of the application must be submitted to DEP by September 17, 2008. DEP must file its project analysis on the transmission line corridors by September 25, 2008. The District’s agency report on the main site and associated facilities other than specified transmission lines is due to DEP by December 26, 2008. The Division of Administrative Hearings certification hearing is scheduled to occur February 23 – March 2009.

Discussion

None of the proposed electrical transmission corridors within the jurisdictional boundary of the District crosses District lands, however, there is a potential impact to a District owned parcel that abuts one of the proposed transmission corridors and is near the proposed Levy Central Florida South Substation. However, the specific location of this substation is unknown at this time.

The Welling Parcel is a 75-acre parcel located in Lake County that was donated to the District in 1993 for mitigation. The southwestern boundary of the parcel abuts the proposed LNP to the proposed Central Florida South Substation transmission line corridor ("LCFS" corridor). See Exhibit "B". The proposed LCFS corridor is 59 miles long and ranges in width from 1000 feet to a mile wide.

Although the proposed corridor and substation are not proposed to be located on District lands, their proximity presents a potential for impacts to District lands. The actual transmission corridors and associated right-of-way locations will not be determined until after the corridors are certified. District staff has proposed conditions of certification and post-certification submittals to assure impacts to District lands are minimized.

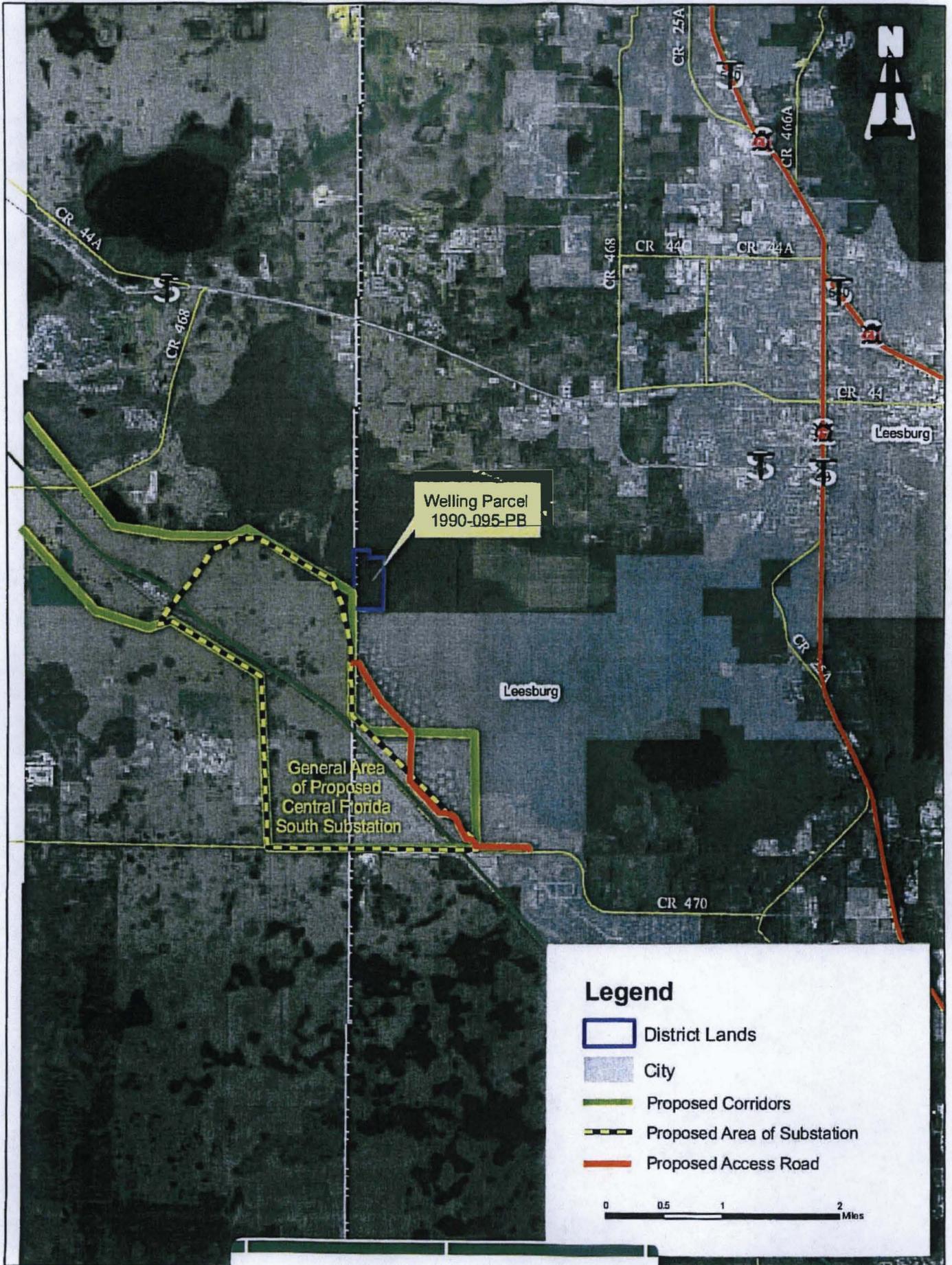
Staff Recommendation

District staff recommends approval of the proposed transmission line corridor portion of the power plant certification application with the inclusion of the attached recommended conditions of certification and recommends forwarding this Agency Report to DEP.

Exhibit A

St. Johns River Water Management District
Conditions of Certification
Progress Energy Florida, Inc.
Levy County Nuclear Plants Units 1&2
DOAH Case No. 08-002727/ F.O.R. 2008-56

1. Progress Energy Florida, Inc. shall provide the St. Johns River Water Management District ("District") a copy of all post-certification filings finalizing the locations of right-of-ways and substations on or adjacent to District lands.
[Section 373.085, Fla. Stat.; Section 40C-9.380, F.A.C.]
2. Prior to the commencement of any activities associated with the construction of any portion of the transmission line corridor or substation that will cross over, on, under, or otherwise affect District lands, Progress Energy Florida, Inc. shall provide a survey of the transmission line right-of-way ("Right-of-Way Survey") and footprint of the substation. The survey shall be prepared using procedures acceptable to the District and signed and sealed by a registered surveyor pursuant to Chapter 472, Fla. Stat.
3. Progress Energy Florida, Inc., shall provide an analysis of any affect of the construction or operation of the transmission line corridor or substation on District lands and shall minimize any adverse affect pursuant to a District approved plan.
[Section 40C-9.380, F.A.C.]
4. In the event Progress Energy Florida, Inc. seeks to use District lands outside of the transmission line right-of-way for access during construction of the transmission line and/or for inspection and maintenance after construction, Progress Energy Florida, Inc. shall submit to the District a detailed plan identifying the proposed route, type and number of vehicles to be used and the frequency of such use. All use of District lands outside of the transmission line right-of-way shall be in accordance with Section 40C-9.360, F.A.C.
[Section 40C-9.360, F.A.C.]



Appendix II-G: Department of Agriculture and Consumer Affairs – Division of Forestry



Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800

Please Respond to:
Division of Forestry
Forest Management Bureau
3125 Conner Blvd. / C25
Tallahassee, FL 32399-1650

September 2, 2008

Mike Halpin, Siting Coordinator
Siting Coordination Office
Department of Environmental Protection
2600 Blair Stone Road MS 48
Tallahassee, Florida 32399

Subject: Progress Energy Florida, Inc., Levy County Nuclear Power Plant
Transmission Line Facilities, Power Plant Siting Application No., PA 08-51

Dear Mr. Halpin:

This correspondence constitutes the Florida Department of Agriculture and Consumer Services, Division of Forestry (DOF), Agency Report on the project application referenced above. To that end, please reference our letter of August 5, 2008, on the same subject (attached).

Sincerely,

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE

A handwritten signature in black ink, appearing to read "James R. Karels".

James R. Karels
Director, Division of Forestry

JRK/edh

Cc: Winnie Schreiber, Withlacoochee Center Manager
Don West, Waccasassa Center Manager
Dennis Hardin, Forest Ecologist
Forrest Watson, Planner



Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800
www.doacs.state.fl.us

Please Respond to:
Florida Division of Forestry
3125 Conner Boulevard
Tallahassee, FL 32399-1650

August 5, 2008

Florida Department of Environmental Protection
Siting Coordination Office
2600 Blair Stone Road
Tallahassee, Florida 32399

RE: Proposed Progress Energy Nuclear Plant Associated Transmission Lines
(PA 08-51)

The Division of Forestry (DOF) manages lands that are subject to be impacted by this project. Based on the general corridor maps reviewed to date, these lands include Goethe State Forest; the Two-mile Prairie, Annuteliga Hammock and Lecanto Tracts of Withlacoochee State Forest; and, Ross Prairie State Forest.

Evaluating the potential impacts of the project based on the general corridors and without knowing the specific rights-of-way is difficult. Qualitatively, these impacts include disruption of areas of high quality native groundcover and forest, loss of wildlife habitat, loss of forest acreage that can be used to generate timber revenue, creation of addition opportunities for unregulated off-road vehicle access, interference with such essential land management activities as prescribed burning, and decreasing the aesthetics of recreational activities.

It is not clear from the contents of the Site Certification Application whether or not the Board of Trustees' Linear Facilities Policy test of avoidance has been addressed. This component of the process should be documented and included in a formal easement proposal at the time of actual submittal of associated documents. If this project is approved and moves forward, the DOF would like Progress Energy to consult with us on all details of design and location, and discuss probable impacts to state forests that will arise from the construction of these facilities.

Sincerely

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE

J.R. Karels FOR: J. Karels

James R. Karels
Director, Division of Forestry

JRK/fw



Florida Agriculture and Forest Products
\$97 Billion for Florida's Economy

Appendix II-H: East Central Florida Regional Planning Council



East Central Florida Regional Planning Council

631 North Wymore Road, Suite 100 • Maitland, FL 32751
Phone 407.623.1075 • Fax 407.623.1084 • www.ecfrpc.org

Philip Laurien, AICP
Executive Director

August 28, 2008

Ann Seiler
Florida Department of Environmental Protection
Florida Energy and Siting Office
2600 Blair Stone Rd.
Tallahassee, FL 32399

RE: Agency Report, Levy Nuclear Power Plant Transmission Line Site Certification Application

Dear Ms. Seiler,

The East Central Florida Regional Planning Council has completed the Agency Report for the Levy Nuclear Power Plant Transmission Line Site Certification pursuant to 62-17.590, F.A.C. The ECFRPC reviewed the information concerning the Sumter Line corridor into Lake County and Leesburg. This is a 500 kV transmission line corridor connecting the Levy Nuclear Power Plant and the proposed Central Florida South Substation in Sumter or Lake County.

The Council staff's concerns regard the Development of Regional Impact (DRI) Secret Promise along the southern boundary of the corridor in Lake County. According to Map H of Secret Promise DRI, "Retail and Service" is planned along the southern boundary of CR 470. Progress Energy should work closely with the Secret Promise DRI to ensure the aesthetics of the transmission line and the ROW are consistent with the development occurring south of CR 470.

The proposed transmission line corridor also crosses some areas shown to be high in biodiversity, according to the ECFRPC Natural Areas of Regional Significance datasets. Council recommends that on-site verification of the actual extent of such natural resources be conducted as part of the corridor selection.

Pursuant to ECFRPC Strategic Regional Policy Plan *Policy 4.31 Planning and development approval shall avoid adverse impacts to listed species. Where suitable habitat on a project site is used by a listed species, a site plan and a management plan to minimize harm to the species and to maintain sufficient habitat to support a viable population of the species on-site should be required as a condition of development approval* and *Policy 4.32 All levels of government shall protect critical habitat for listed species*, appropriate avoidance or mitigation should be part of the corridor plan.

Executive Committee

Chair

Teresa Jacobs
Commissioner
Orange County

Vice Chair

Malcolm McLouth
Governor's Appointee
Brevard County

Treasurer

Mary Martin
Vice Mayor of Port Orange
Volusia County League of Cities

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Atlee Mercer
Property Appraiser
Osceola County

Former Chair

Jon B. Rawlson
Governor's Appointee
Orange County

Serving Brevard, Lake, Orange, Osceola, Seminole and Volusia Counties.

Page 2

With consideration of the above conditions, the Council recommends approval of certification.

The Council reserves the right to present any further issues on this project as additional information becomes available.

Sincerely,

Phil Laurien
Executive Director

Appendix II-I: Withlacoochee Regional Planning Council