

EXHIBIT 18



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

September 17, 2009

TO: Toni Sturtevant, Esq.
THROUGH: Michael P. Halpin, P.E.
FROM: Ann Seiler

Pursuant to § 403.5252, Florida Statutes, the Department of Environmental Protection (DEP) after consulting with the affected agencies determined the portion of the Florida Power & Light (FPL) Turkey Point Units 6 & 7 Nuclear Plant application concerning the associated transmission lines was incomplete on August 6, 2009. In accordance to 403.5252(2), FPL filed additional information in response to the determination of incompleteness on August 20, 2009. Affected agencies have reviewed that response and filed their recommendations with DEP on September 3, 2009 with the SFWMD, after having an extension approved by the ALJ, filing their recommendation on September 9, 2009. Based on review of those recommendations from the affected agencies DEP has determined that the portion of the Florida Power & Light (FPL) Turkey Point Units 6 & 7 Nuclear Plant application concerning the associated transmission lines is still not complete.

The following represent the recommendations/requests from DEP:

DEP - Siting Coordination Office (SCO)

Awaiting follow-up information pursuant to 403.5115(6)(b).

DEP – Southeast District Office (SED)

DEP-SED submitted transmission line and power plant / associated facility questions within a single submittal, thus the numbering is not in sequence. However, when responding to completeness items, the Department requests that where possible, the applicant maintain the below numbering system. The Department additionally requests that FPL arrange for a meeting with Southeast District Office staff in order to reach resolution on these issues.

33. The project proposes 308 acres of permanent wetland impacts to mangroves, mixed wetland hardwoods, exotic wetland hardwoods, freshwater marshes, wet prairies, canals, and ditches, structure pads, associated patrol roads, Levee substation expansion, and access corridors. These aforementioned activities have the potential to alter the hydrology and flood plain characteristics in the region resulting in flooding and adversely impacting works of the District. For example: wetland filling decrease stormwater storage capacity; filling canal and ditches alter stormwater conveyance; and road construction impounds and obstructs surface water flows.

The Department will require a post-certification demonstration that the pre-development stormwater characteristics within the project area are maintained, to the maximum extent practical during and after construction and pursuant to FAC 62-40.431 & 342.

43. This question was submitted in both the plant completeness review as well as the transmission line review. Please provide details of consider project design modifications that would reduce or eliminate direct and secondary impacts or provide a detailed statement demonstrating that the current design is the

EXHIBIT 18

minimal area needed for this expansion project. It would be helpful to explain the process for determining the infrastructure and construction needs (including the minimum footprint area) necessary to provide the level of electrical service delivery required. Is further expansion anticipated in the future? It is understood that this question encompasses more than just the transmission lines but it was intended to include a discussion of avoidance and minimization associated with the transmission lines as well.

Although the final route within the corridor is still to be determined, at a minimum discuss what avoidance and minimization measures will be used in selecting that final corridor including what factors will be used in that consideration.

69. The project proposes 308 acres of permanent wetland impacts to mangroves, mixed wetland hardwoods, exotic wetland hardwoods, freshwater marshes, wet prairies, canals and ditches, structure pads, associated patrol roads, Levee substation expansion, and access corridors. These aforementioned activities have the potential to alter the hydrology and flood plain characteristics in the region resulting in flooding and adversely impacting works of the District. For example: wetland filling decreases stormwater storage capacity; filling ditches and canals alter stormwater conveyance; and roads act like a dam by impounding and obstructing surface water flows. The Department will require a post-certification demonstration that the pre-development stormwater characteristics within the project area are maintained, to the maximum extent practical during and after construction and pursuant to FAC 62-40.431 & 342.

Reasonable assurance as to the ability of the applicant to offset proposed wetland impacts through the development of a mitigation plan must be determined prior to corridor certification. The requested information is necessary for agencies to make that determination. Please provide the requested information.

70. It is understood that the detailed ERP submittals will be submitted post-certification; the Department must consider cumulative impacts associated with an application (BOR) which includes additional impacts that are reasonably expected to occur if the project is approved. Therefore, in order to conduct a cumulative impact analysis the Department needs minimal details regarding potential wetland impacts associated with these other submittals.

87. The response received from FPL regarding linear features states that the request is outside the scope of completeness since it relates to an area outside of FDEP's jurisdiction. Staff disagrees with this determination. Pursuant to the Section 4.2.7 of the South Florida Water Management District's Basis of Review, State agencies are required to evaluate the potential for secondary impacts to wetland dependent listed species resulting from project development. Please provide the requested information.

88. Staff has concerns related to the utilization of the West Secondary route and the West Preferred route from Krome Avenue to the Levee substation. Please demonstrate that the applicant has minimized direct and secondary wetland impacts.

92. Regarding the dead end leg of the transmission corridor indicated on Sheets 36-38 the response indicated that this corridor is only used as access to the corridor. Please indicate why the transmission corridor cannot be accessed through other corridors. Please consider the removal of this dead end fill from the proposal.

93. The identification, review and characterization of wetlands proposed to be impacted (direct and secondary) by the proposed transmission line corridor is required to make a determination as to the ability of the applicant to offset proposed wetland impacts through development of a mitigation plan. Please be advised that verification of the wetland jurisdictional line will be required as a condition of the certification if approved, as well requiring that the route be sited so that it avoids and minimizes wetland impacts to the maximum extent practicable.

EXHIBIT 18

94. When these mitigation areas are identified please provide the Department with this information.

OTHER AGENCIES/LOCAL GOVERNMENTS

Four other agencies have identified the need for additional information and their requests are attached “as received” by the Department without editing:

1. the South Florida Water Management District (SFWMD)
2. Miami Dade County
3. the City of Coral Gables
4. the City of Miami

The cities of Coral Gables and Miami have chosen to resubmit their original completeness questions from July 30, 2009. The Department’s review suggests that several of the issues raised in these agency’s original submissions are appropriate questions, yet the timing is not proper within a completeness review. By way of example, questions requiring precision with regards to pole height and spans between poles, cannot be ascertained until specific Rights-Of -Way are obtained (which follows the approval of a corridor), yet are indeed appropriate submittals to local agencies in a post-certification manner. Nevertheless, within the context of a completeness review, it is not unreasonable for an agency to seek estimates of pole heights and spans via “typical configurations”, and the applicant should endeavor to provide such information.

Contrary to your e-mail guidance to agencies dated August 20, 2009 as well as the Department’s statutory responsibility to process applications “as expeditiously as possible,” it appears that the follow-up questions for the City of Miami and the City of Coral Gables were not limited to those issues raised within the first completeness review. However, the “new” questions appear similar to those from other agencies for which the applicant has previously responded. Although the Department recognizes the inappropriateness of raising new issues at this point in a completeness review, we request that the applicant point out (as applicable) where these “new” questions have been addressed by prior responses.

We understand that the cities of Coral Gables and Miami may not have much experience in working with the Department on Siting-related cases. As such, please encourage them to consult with the applicable Siting Office Case Manager prior to making further completeness recommendations to the Department. This would greatly assist us in ensuring that our future completeness determinations are well-founded.

A late filing was received by the City of South Miami on August 28, 2009. Inasmuch as a City representative was included on the original service list, the Department is not required to include these questions in this filing. Nevertheless, based on our review of the six issues raised in the late filing, it appears that similar issues/questions have been raised by other agencies. As such, we request that the applicant point out (as applicable) where these “new” questions have been addressed by prior responses

Lastly, the Siting Office requests that the applicant provide it with a unique listing of those completeness questions and responses, which the applicant maintains require no further response, presuming that they were responded to fully as of its prior filing. This will assist us in making future determinations geared toward reaching a conclusion on the completeness review phase of the application.

In addition to the Department of Community Affairs (DCA), the Department of Transportation (DOT) and the Florida Fish and Wildlife Conservation Commission (FWCC), the South Florida Regional Planning Council (SFRPC), the City of Doral, City of Homestead and Village of Pinecrest make no further recommendations regarding completeness of the transmission line portion of the project.