



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
1002 WEST 23RD STREET, SUITE 350
PANAMA CITY, FLORIDA 32405-3648

REPLY TO
ATTENTION OF

November 01, 2011

Panama City Permit Section
SAJ-2008-00490 (JD4-GAH)
APPROVED JURISDICTIONAL VERIFICATION
(PEF/LNP - Transmission Lines)

Progress Energy Florida
c/o Mr. Robert Kitchen
Manager, Nuclear Plant Licensing
Post Office Box 14042, PEF-903
St. Petersburg, Florida 33733

Dear Mr. Kitchen:

Reference is made to information submitted by Progress Energy Florida (PEF) to the U.S. Army Corps of Engineers (Corps) regarding the potential extent of Federal jurisdiction for the approximately 180 miles of proposed electrical transmission lines, electrical substations and their ancillary components. These proposed activities are associated with the proposed Levy Nuclear Plant project. The proposed transmission lines, substations and ancillary components subject of this Approved Jurisdictional Verification are located in the following Florida counties, as shown on enclosed Figure 1: Levy, Citrus, Marion, Sumter, Lake, Hernando, Pinellas, Hillsborough, and Polk. Also enclosed is a summary table of the wetlands evaluated for this Approved Jurisdictional Verification. The table shows the size of the wetlands and whether the Corps determined the particular water or wetland to be jurisdictional or isolated (i.e. non-jurisdictional). The final document upon which this verification of jurisdictional determination is based, and which was evaluated and field-truthed by Corps personnel in January and April 2011, consists of a 9-Volume set of notebooks with aerial photographs, JD forms, etc., as provided to the Corps by PEF. Overall the evaluation of this jurisdictional determination involved many factors and included field visits, review of aerial photographs, geological quad sheets, county

soils maps, and site specific information provided by you and your consultants.

Instructions for Objecting to an Approved Jurisdictional Determination: Enclosed you will find a Notification of Appeal Process fact sheet and Request for Appeal (RFA) form. If you object to this determination, you may request an administrative appeal under Corps' regulations at 33 CFR Part 331. If you request to appeal this determination, you must submit a completed RFA form to the South Atlantic Division Office at the following address:

Mr. Jason W. Steele
South Atlantic Division
U.S. Army Corps of Engineers
Administrative Appeals Review Officer
60 Forsyth St., SW. Room 10M15
Atlanta, Georgia 30303-8801.

Mr. Steele can be reached by telephone number at 404-562-5137, or by facsimile at 404-562-5138.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the above address by December 30, 2011.

The 9-Volume set referenced above shows the wetland jurisdiction lines on the lands subject to this Approved Jurisdictional Verification. These jurisdiction lines represent the upland/wetland boundary for purposes of determining the extent of Corps jurisdictional wetlands and non-jurisdictional, isolated wetlands within the subject lands. It has been determined you have waters of the United States, including wetlands, within the various subject lands, which are subject to regulation by the Corps; and you have wetlands, which are considered to be isolated, and thus not subject to regulation by the Corps. The waters and wetlands reviewed for this Approved Jurisdictional Verification total in area to approximately 712.94 acres, of which approximately 496.45 acres

are jurisdictional waters, wetlands and ditches; and approximately 216.49 acres are waters, wetlands, which are isolated and thus not regulated by the Corps. Please be advised that this Approved Jurisdictional Verification is based on the Corps of Engineers Wetlands Delineation Manual (1987) or current regional supplement, and is valid for a period no longer than 5 years from the date of this letter unless new information warrants a revision of the determination before the expiration date. If, after the 5-year period, the Corps has not specifically revalidated this jurisdictional determination, it shall automatically expire. Any reliance upon this jurisdictional determination beyond the expiration date may lead to possible violation of current Federal laws and/or regulations. You may request revalidation of the jurisdictional determination prior to the expiration date. Any revalidation or updating will be considered under the method of jurisdictional determination and other applicable regulations in use at the time of the request. Additionally, this determination has been based on information provided by you or your agent; should we determine that the information was incomplete or erroneous this delineation would be invalid.

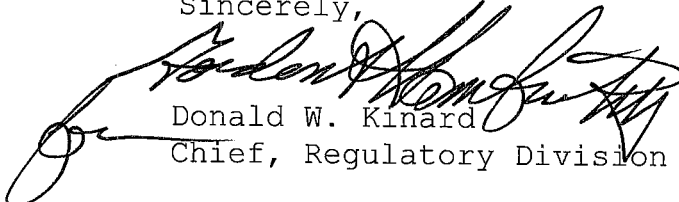
This determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

You are cautioned that work performed below the mean high water line or ordinary high water line in waters of the United States, or the discharge of dredged or fill material into adjacent wetlands, without a Department of the Army permit could subject you to enforcement action. Receipt of a permit from the Department of Environmental Protection or the Water Management District does not obviate the requirement for obtaining a Department of the Army permit for the work described above prior to commencing work.

The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit <http://per2.nwp.usace.army.mil/survey.html> and complete our automated Customer Service Survey. Your input is appreciated - favorable or otherwise. Please be aware this web address is case sensitive and should be entered as it appears above.

Thank you for your cooperation with our permit program. If you have any questions concerning this matter please contact Mr. Don Hambrick by mail at the letterhead address, by electronic mail at gordon.a.hambrick@usace.army.mil, or by telephone at (850) 763-0717 ext. 25.

Sincerely,



Donald W. Kinard
Chief, Regulatory Division

Enclosures

Copy Furnished(w/encls):
Paul Snead, PEF
NRC, Doug Bruner (via electronic mail)

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Progress Energy Florida, Inc.		File Number: SAJ-2008-00490(JD4-GAH)	Date: November 1, 2011
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
Project Manager as noted in letter

If you only have questions regarding the appeal process you may also contact:
Jason W. Steele
404-562-5137

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date: _____

Telephone number: _____