



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

February 8, 2012

Regulatory Division
North Permits Branch
SAJ-2008-00490 (IP-GAH)

Mr. Willard Steele
Seminole Tribe of Florida
Tribal Historic Preservation Office
30290 Josie Billie Hwy., PMB 1004
Clewiston, Florida 33440

SUBJECT: Progress Energy Florida/Levy Nuclear Plant – SAJ-2008-00490 (IP-GAH)

Dear Mr. Steele:

This letter is in reference to United States Army Corps of Engineers (Corps) permit application *SAJ-2008-00490, Progress Energy Florida/Levy Nuclear Plant, Levy County, Florida*. This project is being evaluated under the National Environmental Policy Act through the development of an Environmental Impact Statement (EIS). The U.S Nuclear Regulatory Commission is the lead agency, and the Corps is a cooperating agency in the development of the EIS. Both the NRC and the Corps have been in consultation with the Seminole Tribe of Florida (STOF) as part of the EIS evaluation of the proposed LNP project.

Pursuant to our December 15, 2011 meeting at the Seminole Big Cypress Tribal Historic Preservation Office, the Corps informed STOF representatives that if a Department of the Army is issued for this project, the permit would be specifically conditioned to require that Phase I Cultural Resource Assessment Surveys (CRAS) be conducted prior to initiating ground disturbing activities. The special condition would state:

Special Condition xx: Cultural Resources/Historic Properties:

a. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register.

b. *Cultural Resources Work Plan for the Proposed Levy Nuclear Plant Project, Levy, Citrus, Marion, Hernando, Sumter, Polk, Hillsborough, and Pinellas Counties, Florida (April 2011)*, Southeastern Archaeological Research, Inc (*Work Plan*) (Attachment #).

1. Prior to the start of any construction work or ground disturbing activities associated with any of the individual project components, as listed and identified in Table 1 of the *Work Plan*, the permittee shall implement the *Work Plan* to conduct a Phase I Cultural Resource Assessment Survey to identify any unknown archaeological sites and historical properties within

the individual project component. The individual project components, as identified and listed in Table 1, include the transmission lines, the blowdown pipeline, site access/wetland mitigation parcels, and training site parcel.

2. The permittee shall provide the results of the Phase I Cultural Resource Assessment Surveys to the State Historic Preservation Officer (SHPO), the U.S. Army Corps of Engineers (Corps) Regulatory Project Manager, Native American Coordinator, and Archeologist.

3. No construction work or ground disturbing activities associated with any one of the individual project components, as listed and identified in Table 1 of the *Work Plan*, may proceed until a written release is issued to the permittee by the Corps that the requirements of Section 106 of the National Historic Preservation Act have been fulfilled for the individual project component for which the permittee seeks to commence any construction work or ground disturbing activities.

c. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the permittee shall immediately stop all work in the vicinity and notify SHPO at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7.

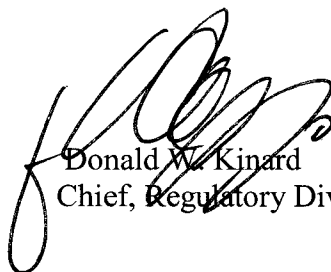
d. In the event that human remains are identified, they will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, the SHPO and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the SHPO and the Corps.

Upon receipt of the Phase I CRAS from the applicant, the Corps will provide the report, our effect determination, and suggested way forward (e.g., permit modification with conditions, THPO provide comments, THPO site review, etc.) to the STOF THPO.

If we do not receive a response from you within 30 days of the date of this letter, we will assume that you agree with the incorporation of the above special condition, if a permit is issued

for the LNP project. If you have any questions, or comments, please contact the project manager, Mr. Don Hambrick at the letterhead address, by email: gordon.a.hambrick@usace.army.mil, or by phone at 850-763-0717, ext. 25.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Kinard', written over the typed name and title.

Donald W. Kinard
Chief, Regulatory Division

Copy furnished (by electronic mail):
NRC, Douglas Bruner
PEF, Paul Snead
PEF, John Hunter