PMLevyCOLNPEm Resource

From: bberger@bellsouth.net
Sent: Thursday, May 10, 2012 9:25 PM
To: Bruner, Douglas
Subject: Fw: ASLB January 12, 2012
Attachments: header.htm

----- Original Message -----
From: bberger@bellsouth.net
To: Bruner, Douglas
Cc: Betty Berger
Sent: Thursday, May 10, 2012 9:23 PM
Subject: ASLB January 12, 2012

Note: To: Douglas Bruner: PEF wants to excavate 10 feet below the stopped depth of the Barge Canal of 12 feet.. Resolution by Gov. Chiles Jan. 22, 1991. The Public Law does NOT permit this. I don't find this letter in your NRC permit files. Gov. Crist gave an illegal variance to PEF to excavate . Nothing can be built at the Levy site requiring excavation for running cooling water pipes under the Cross-Florida Barge Canal 15 miles SW to Crystal River Plant at the Gulf. Please bring this fact to the forefront now and don't wait for a lawsuit to convince you. Please read and comment back to me. Thanks. Sarah "Betty" Berger bberger@bellsouth.net. Sent May 10, 2012.

To:Atomic Safety and Licensing Board (ASLB) January 12, 2012
Administrative Judges
Chairman Matthew Flyntz
Read into record also: by Sarah E. "Betty" Berger, PO Box 83, Inglis, FL 34449

Honorable Judges ASLB:

History of the Greenways & Trails land in Florida now requested by Progress-Energy Florida to build a Barge Slip to receive materials for two Nuclear Plants, Levy County, Florida and to build two pipelines across the Cross Florida Barge Canal to carry their cooling water 15 miles to the Crystal River Plant.

THE BARGE CANAL WAS STOPPED AT 12 FOOT DEPTH BY 150 FEET WIDE JANUARY 22, 1991 BY RESOLUTION OF GOVERNOR CHILES AND CABINET. (It hit saltwater at the 12 foot depth and would have put salt into the freshwater aquifer used by the State of Florida.) PEF plans to EXCAVATE an additional 10 feet below the present dept of 12 feet for the Barge Slip and the pipes. (CH2MHill – 28 pages)

Additionally, as they state they plan to locate this Barge Slip in Tract 2000-1, which is deeded by Warranty Deed to Florida as Inglis Recreation Area called "eleven picnic sites." They plan to run their pipes west, thereby violating the deed by Warranty Deed to Florida as Inglis Recreation Area on 2000-2, called "one playground area." Levy Deed Book 105, pages 20-22, and Citrus County Book 219, page 707.

The westerly pipes (many on uplands adjoining the Canal) on Greenways & Trails lands were not deeded to Florida but were called "Perpetual Easement" for construction, operation and maintenance of the Barge Canal, recorded in various Deed Books, Levy County. These lands are INCLUDED in the stoppage of further excavation of the Barge Canal..

HISTORY: Public law 101-640 (S.2740) dated November 28, 1990 Water Resources Development Act of 1990 under TITLE IV – MICCELLANEOUS PROVISIONS, Sec. 402 Cross Florida Barge Canal:

Sec.102 CROSS FLORIDA BARGE CANAL Sec. 1114 of the Water Resources Development Act of 1986 (16 U.S.C. 460tt: 100 Stat. 4232) is amended to read as follows:
Sec. 1114 CROSS FLORIDA BARGE CANAL

(a)DEAUTHORIZATION – The barge canal project located between the Gulf of Mexico and the Atlantic Ocean (hereinafter in this section referred to as the 'project', as described in the Act of July 23, 1942 (56 State. 703), shall be deauthorized by operation of law immediately upon the Governor and Cabinet of the State of Florida adopting a resolution specifically agreeing on behalf of the State of Florida (hereinafter in this section referred to as the 'State') to all of the terms of the agreement prescribed in subsection (b)

(b)Transfer of Project Lands – Notwithstanding any other provision of law, the Secretary is, subject to the provisions of subsections ((d) and (e), directed to transfer to the State all lands and interests in lands acquired by the Secretary and facilities completed for the project in subsection (a) without consideration, if the State agrees to each of the following:

"(1)The State shall agree to hold the United States harmless from all claims arising from or through the operations of the lands and facilities conveyed by the United States

"(2)The State shall agree to preserve and maintain a greenway corridor which shall be open to the public for compatible recreation and conservation activities and which shall be continuous, except for areas referred to in subparagraphs (A) and (C) of this paragraph, along the project route over lands acquired by the Secretary or by the State or State Canal Authority, or lands acquired along the project route in the future by the State or State Canal Authority, to the maximum width possible, as determined in the management plan to be developed by the State for former project lands. Such greenway corridor shall not be less than 300 yards wide, except for the following areas:

"(A)Any area of the project corridor where, as of the date of the enactment of this subparagraph, no land is owned by the State or State Canal Authority

"(B)Any area of the project corridor where, a of the date of the enactment of this subparagraph, the land owned by the State or State Canal Authority is less than 300 yards wide.

"©Any area of the project corridor where a road or bridge crosses the project corridor.

"(3)Consistent with paragraph (2) of this subsection, the State shall create a State park or conservation/recreation area in the lands and interests in lands acquired for the project lying between the Atlantic Ocean and the western boundaries of sections 20 and 29, township 15 south, range 23 east.

"(4)The State shall agree, consistent with paragraphs (2), (5) and (6) of this subsection, to preserve, enhance, interpret, and manage the water and related land resources of the area containing cultural, fish and wildlife, scenic, and recreational values in the remaining lands and interests in land acquired for the project, lying west of sections 20 and 29, township 15 south, range 23 east, as determined by the State, for the benefit and enjoyment of present and future generations of people and the development of outdoor recreation.

"(5)The State shall agree to pay, from the assets of the State Canal Authority and the Cross Florida Canal Navigation District, including revenues from the sale of former project lands declared surplus by the State management plan to the counties of Citrus, Clay, Duval, Levy, Marion, and Putnam a minimum aggregate sum of $32,000.000 in cash, or at the option of the counties, payment to be made by conveyance of surplus former project lands selected by the State at current appraised values.

"(6)The State shall agree to provide that, after repayment of all sums due to the counties of Citrus, Clay, Duval, Levy, Marion and Putnam, the State may use any remaining funds generated from the sale of former project lands declared surplus by the State to acquire the fee title to lands along the project route as to which less than fee title was obtained, or to purchase privately owned lands, or easements over such privately owned lands, lying within the proposed project route, consistent with paragraphs (2), (3) and (4) of this subsection, according to such priorities as are determined in the management plan to be developed by the State for former project lands. Any remaining funds generated from the sale of former project lands declared surplus by the State shall be used for the improvement and management of the greenway corridor consistent with paragraphs (2), (3) and (4) of this subsection.

"(c)ENFORCEMENT

"(1)Remedies and Jurisdiction – The United States is directed to vigorously enforce the agreement referred to in subsections (a) and (b) in the courts of the United States and shall be entitled to any remedies in equity or law, including, without limitation, injunctive relief. The Court, in issuing any final order in any suit brought pursuant to this subsection, may in its discretions, award costs of litigation (including reasonable

attorney and expert witness fees) to any prevailing party. The United States district courts shall have original and exclusive jurisdiction of any action under this subsection.

"(2)State Remedies – The State shall be entitled to the same remedies listed in paragraph (1) of this subsection in the courts of the State or of the United States

"(d)Time of Transfer – Actual transfer of lands and management responsibilities under this section shall not occur on the constructed portions of the project lying between the Atlantic ocean and the Eureka Lock and Dam, inclusive, and between the Gulf of Mexico and the Inglis Lock and Dam, inclusive, until the last day of the 24-month period beginning on the date of the enactment of the Water Resources Development Act of 1990.

"(e)Management Pending Transfer – In the 24-month period following the date of the enactment of the Water Resources Development Act of 1990, the Secretary shall carry out any and all programmed maintenance on the portions of the project outlined in subsection (d).

"(f)Survey – the exact acreage and legal description of the real property to be transferred pursuant to this section shall be determined by a survey which is satisfactory to the Secretary and to the State. The cost of such survey shall be borne by the State."

STATE OF FLORIDA RESOLUTION signed by Governor Chiles and Cabinet
January 22, 1991.

WHEREAS, the Governor and Cabinet of the State of Florida have previously determined that completion of the Cross Florida Barge Canal Project (hereafter "Barge canal") could have cause incalculable damage to the Florida Aquifer and thereby threaten much of Florida's drinking water resources; and

WHEREAS, the Governor and Cabinet of the State of Florida have adopted prior resolutions supporting final deauthorization of the Barge Canal and retention by the State of Florida of former Barge Canal lands and related water resources for the purpose of preserving, to the maximum extent possible, a greenbelt corridor of unspoiled wetlands, forests and waterway to provide a habitat for many endangered species and for public recreation, and

WHEREAS, identical federal bills were filed earlier this year in the Congress of the United States by Senators Bob Graham and Connie Mack (Senate Bill 2253) and by the United States Representatives Cliff Stearns, Bill Grant, Dante Fascell, Mike Bilirakis, Bill James, Tom Lewis, Bill Nelson, Bill Young, Porter Goss and Andy Ireland (House bill 4237) providing for the final deauthorization of the Barge Canal Project and ownership, by the State of Florida of Former Barge canal lands, upon certain conditions being agreed to by the State of Florida as set forth in subsection (b) of the federal bills; and

WHEREAS, in order to comply with the conditions set forth in subsection (b) of those federal deauthorization bills, the Florida legislature responded by enacting in the 1990 session, Ch. 990-328 Laws of Florida, creating from former Barge Canal lands the Cross Florida Greenbelt State Recreation and Conservation Area and providing a statutory plan for preservation by the State of Florida of a greenbelt corridor along the former Barge Canal route to the maximum extent possible and (with certain state exceptions authorized by the federal bills) having a minimum greenbelt corridor width of 300 yards, and

WHEREAS, the federal Barge Canal final deauthorization bill, (sec. 402 of P.L. 101-640) was recently enacted by the U. S. Congress and signed into law by the President of the United States on November 28, 1990, and

WHEREAS, Sec. 402 of P.L. 101-640 does not become effective until the Governor and Cabinet of the State of Florida adopt a resolution specifically agreeing on behalf of the State of Florida as to the terms and conditions described in subsection (b) of Sec. 402 of P.L. 101-640

NOW, THEREFORE, BE IT RESOLVED that copies of this resolution be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of the Florida delegation to the United States Congress, the President of the Florida Senate, and the Speaker of the Florida House of Representatives,

IN TESTIMONY WHEREOF, the Governor and Cabinet of the State of Florida have hereunto subscribed their names and have caused the Official Seal of the State of Florida to be hereunto affixed in the City of Tallahassee on this 22nd day of January, 199l

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Signed by Lawton Chiles, Governor
Jim Smith, Secretary of State
Bob Butterworth, Attorney General
Gerald Lewis, Comptroller
Tom Galagher, treasurer
Bob Crawford, Commissioner of Agriculture
Betty Cantor, Commissioner of Education

NOTE: PEF plans to transport their nuclear building materials up the Barge Canal to a planned Barge Slip. There has NEVER been a barge that made it up the Barge Canal at the 12 foot depth. The "Aiple", only half-loaded barge - with newsprint - went aground just east of the Highway #19 bridge. It had to be off-loaded and floated off at high tide.

The protected manatees use the Barge Canal for birthing, foraging and travel. They are susceptible to injury by barge traffic and there is NOT enough room for these conflicting uses.

Florida is opening up a certain lawsuit if they violate the terms of the required Resolution they signed in 1991.

PEF has enough land at Crystal River site ON WATER where they could build more plants WITHOUT having to pipe cooling water 15 miles from Levy County.

There is a requirement to bury nuclear waste on site of nuclear plants and Levy County site is in the midst of residential areas, plus a requested limerock mine. The planned use of 32 million gals/water a day to wash their rock plus the astronomical use of PEF to wash their cooling towers from the aquifer WILL bring saltwater into the area and possibly dry up water use for many public water supplies and private wells.

SWFMD (Swiftmud) states that aquifer is fed only by rainfall AND ITS NOT RAINING.

Thanks for your consideration of denying the request to build two nuclear plants in Levy County. Inglis, Yankeetown and surrounding area is within 5 miles of Crystal River nuclear and we would be the meat in a sandwich if PEF were allowed to build just north of our Towns. We would have no way to escape with release of radiation as they plan a heavy-haul road across #40 blocking the eastern route. The Gulf is on the west, With radiation release due to natural factors or terrorist attack if we did escape – we cannot return for several thousand years.

NRC has been notified of these concerns and did not take them into consideration evidently. They were concerned about the design of the AP-Westinghouse units.once.

Sincerely, Sarah E. "Betty" Berger, Inglis

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