PMLevyCOLPEm Resource

From: Snead, Paul [paul.snead@pgnmail.com]
Sent: Tuesday, May 08, 2012 11:46 AM
To: Hambrick, Gordon A SAJ
Cc: Collazo, Osvaldo SAJ; Kasbar, John F SAJ; Nelson, Donald G SAJ; Bruner, Douglas; Kitchen, Robert; Dierolf, Amy C.
Subject: RE: PEF/LNP - Cross Florida Barge Canal/Cross Florida Greenway (UNCLASSIFIED)

Don:

As we discussed today on the phone, we are preparing a written response to your questions regarding the CFG and hope to get that to you in the next couple of weeks. We do not see the need to have a meeting in June, since we feel that the written response will address your concerns.

Also, as we discussed, we are looking for feedback from you on the draft MOA template that we propose to use with government agencies whose properties are included in the Wetland Mitigation Plan. This draft template was provided to you in our February 27, 2012 letter (Serial Number NPD-MISC-2012-008).

Thanks,

Paul Snead
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From: Hambrick, Gordon A SAJ [mailto:Gordon.A.Hambrick@usace.army.mil]
Sent: Friday, May 04, 2012 12:12 PM
To: Snead, Paul
Cc: Collazo, Osvaldo SAJ; Kasbar, John F SAJ; Nelson, Donald G SAJ; Bruner, Douglas
Subject: PEF/LNP - Cross Florida Barge Canal/Cross Florida Greenway (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Paul:

This email is in reference to our phone conversation earlier today in regard to the use of lands within the Marjorie Harris Carr Cross Florida Greenway (CFG) by Progress Energy, Florida (PEF) for the construction and operation of the proposed Levy Nuclear Plant. The CFC was established from lands formerly associated with the Cross Florida Barge Canal project. These lands were transferred from the United States to the State of Florida.

It was brought to the Corps's attention in written comments submitted by the public to the Atomic Safety and Licensing Board (ASLB), as part of the ASLB's hearing process this past January in Crystal River; and in an additional filing of a request to amend contentions to the ASLB by three interveners this past

February, that the use of CFG lands by PEF may be in conflict with Federal statutes, specifically Title 16 U.S.C. § 460tt Cross Florida Barge.

The following is a synopsis of the Corps's understanding of the statute and other related documents: 16 U.S.C 406tt, the resolution of the Governor and the Quitclaim Deed from the United States to the State of Florida, require that 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 Title 16 U.S.C. § 460tt Cross Florida Barge, 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 November 28, 1990, no land is owned by the State or State Canal Authority; and (B) Any area of the project corridor where, as of November 28, 1990, the land owned by the State or State Canal Authority is less than 300 yards wide.

It appears to the Corps that certain components of the proposed Levy Nuclear Plant project are located within the area acquired and owned by the United States, which were subsequently transferred to the State of Florida by the Quitclaim Deed for the CFG; and therefore these proposed components would be subject to the restriction, as stated above.

The Corps needs additional information in regard to the following project components to be constructed by PEF within the CFG, since it is unclear to the Corps whether these components could ultimately be considered compatible with the restriction referenced above. These components are the blowdown pipelines, make-up water pipeline, barge slip, boat ramp, parking area, two utility bridges, and heavy haul road. The Corps requests the following information in regard to these project components: 1) How long is the period of construction of the individual components; 2) After the period of construction, how often and for how long will PEF exclusively use the barge slip, boat ramp, parking area and haul road to the exclusion of the public; 3) Will the barges used by PEF restrict other boat traffic on the barge canal itself, and how often and for how long; and 4) Confirmation that the makeup and blowdown pipelines will be buried in their entirety within the greenway, and whether the pipelines will interfere with recreation on either the upland area of the greenway or within the barge canal? Please provide any additional information that you have that would aid and inform the Corps in our determination as to whether these project components are compatible with the restriction.

The following project components do not appear to the Corps to be consistent with the restriction: 1) The two Confined Spoil Disposal Facilities, and 2) The intake structure and adjacent facilities. The Corps believes that the two Confined Spoil Disposal Facilities should be moved offsite or made compatible with recreation and conservation activities. The intake structure and adjacent

facilities are problematic, since they appear to be incompatible with the restrictions.

We request that PEF identify to the Corps, any and all activities and construction, which PEF plans to conduct within the CFC subject to the restriction, so as to ensure that PEF has informed the Corps of all such activities. The Corps requests that PEF provide information describing in detail any and all newly identified activities, and provide information as to whether these activities are either compatible or incompatible with the restriction.

As we discussed, a meeting to include representatives of PEF and the Corps to take place at the Corps Jacksonville District office to discuss this matter is appropriate, and that I will coordinate with you to set up such a meeting, likely for sometime in June. The Corps will invite a representative of the Florida Department of Environmental Protection to participate in the meeting.
Also, as we discussed, you and I plan to discuss setting up such a meeting next Monday or Tuesday.

Don

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Classification: UNCLASSIFIED
Caveats: NONE

Hearing Identifier: Levy_County_COL_Public
Email Number: 1080

Mail Envelope Properties (7FD614EFA33B03448166AF44364F42AE0E6152D25D)

Subject: RE: PEF/LNP - Cross Florida Barge Canal/Cross Florida Greenway (UNCLASSIFIED)
Sent Date: 5/8/2012 11:46:07 AM
Received Date: 5/8/2012 11:44:38 AM
From: Snead, Paul

Created By: paul.snead@pgnmail.com

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Files	Size	Date & Time
MESSAGE	6643	5/8/2012 11:44:38 AM

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Priority: Standard
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