



March 31, 2016

Megan Clouser  
Senior Project Manager  
Department of the Army  
Jacksonville District Corps of Engineers  
Miami Regulatory Office  
9900 Southwest 107<sup>th</sup> Avenue, Suite 203  
Miami, FL 33176

FPLACE-16-0130

RE: FPL Turkey Point Units 6 & 7 Project (SAJ-2009-02417)  
FPL Observations on the Seminole Tribe of Florida, October 5, 2015, Comment Letter

Dear Ms. Clouser:

FPL provides, as attachments to this letter, the comment letter submitted to the US Army Corps of Engineers (USACE) by the Seminole Tribe of Florida on October 5, 2015 regarding the DEIS for the proposed Turkey Point Units 6 & 7 Project, and FPL's observations for certain comments in the letter. FPL submitted to the U.S. Nuclear Regulatory Commission (NRC) on November 18, 2015, its observations on certain comments submitted to the NRC and/or USACE on the DEIS for the proposed Turkey Point Units 6&7 COLs (L-2015-280). The attached FPL observations were included in the FPL November 18, 2015 submittal to the NRC.

As was done for the U.S. Department of the Interior and the Environmental Protection Agency comment letters, FPL initiated its examination of these comment submissions to assist the USACE and NRC in their evaluation and disclosure of environmental impacts of the project in the final EIS (FEIS). Accordingly, the attached FPL observations are intended to assist in the preparation of a complete, accurate, and timely FEIS.

If you have any questions please do not hesitate to contact me at 561-691-2808 or Ken Proctor at 561-691-7068.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Matthew J. Raffenberg', is written over a horizontal line.

Matthew J. Raffenberg  
Sr. Director of Environmental Licensing and Permitting  
Environmental Services

Cc: Alicia Williamson, NRC  
Richard Orthen, FPL  
Ken Proctor, FPL

**SEMINOLE TRIBE OF FLORIDA  
TRIBAL HISTORIC PRESERVATION OFFICE  
AH-TAH-THI-KI MUSEUM**

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October 5, 2015

Ms. Megan Clouser, Senior Project Manager  
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Jacksonville District Corps of Engineers  
Regulatory Division  
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Dear Ms. Clouser,

**Subject:** Turkey Point Nuclear Plant Transmission Line Corridors  
**THPO#:** 0006365

Thank you for consulting with the Seminole Tribe of Florida's Tribal Historic Preservation Office (STOF-THPO) pursuant to Section 106 of the National Historic Preservation Act and in acknowledgement of your trust responsibilities.

The proposed Turkey Point transmission line corridors, both the East Preferred Corridor and the West Consensus Corridor, lie within an area that is an important part of the Ancestral Seminole land and we appreciate the opportunity to provide the following comments on the proposed draft EIS (please refer to the attached map as needed).

- A large number of archaeological sites have been recorded throughout southeast Florida and as noted in the draft EIS, numerous sites are known to occur near the proposed transmission line corridors. We are concerned with the possible impacts of any undertaking on cultural resources which may be present within the area of potential effect. Since it does not appear that either of the possible transmission line corridors have been subjected to a systematic Phase I cultural resources assessment survey, we request that such a survey be conducted at the appropriate time and that the results of such survey be provided to the STOF-THPO for review and comments. If any preliminary or desktop/archival investigations have already been completed we would like to be provided copies of those reports.
- Our experience has shown that archaeological sites in the Everglades have a high likelihood of containing burial resources (human skeletal remains, etc.). This is especially relevant with regards to the West Consensus Corridor. It is the Tribes position that the remains of ancestors should be left undisturbed and every effort should be made to identify sites in advance of any ground disturbance, and those sites avoided



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whenever feasible. We also request that at the appropriate time, prior to any ground disturbing activities, the USACE, the STOF-THPO, and other appropriate parties develop protocols to follow in the event of the unanticipated discovery of human remains during any phase of the proposed undertaking.

- At least one area considered sacred to the Seminole, a natural spring, is located near a portion of the East Preferred Corridor. We are concerned with the possible effects of transmission line construction on the hydrology of that area and request that sufficient technical analysis be conducted to assess if water flowing to the spring would be interrupted or adversely affected. We would also ask that the USACE make available an appropriate, knowledgeable individual to discuss the results of such investigations with members of the Tribal community if needed.
- Lastly, in the USACE's April 4<sup>th</sup>, 2015 public notice announcing the release and availability of the Turkey Point draft EIS, it is stated that a short section of the transmission line, presumably the East Preferred Corridor, will cross beneath the Miami River as an underground cable system. The area proposed for this crossing, east of Interstate I-95, is rich in aboriginal archaeological sites including sites that have been shown to contain numerous burials. We caution that any ground disturbing activities in these areas has a heightened potential for encountering cultural and/or burial resources and we would like to be consulted further when details of such a river crossing are being developed. We again recommend that protocols be developed in consultation with the STOF-THPO to deal with the unanticipated discovery of human remains.

Please continue to consult with us on this project since it is occurring within an area that is especially important to the Tribe. Feel free to contact us at your convenience with any questions or to provide a project update.

Respectfully,

*Bradley M. Mueller*

Bradley M. Mueller, M.A., Supervisor  
STOF-THPO-Compliance Review Section  
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cc: Alicia Williamson, NRC

No.	Seminole Tribe of Florida Comment (bold text applied for emphasis)	FPL Observation (bold text applied for emphasis)
1	<p>Seminole Tribe of Florida letter dated 10/5/15, Page 1, 2<sup>nd</sup> Paragraph</p> <p><i>"The proposed Turkey Point transmission line corridors, both the East Preferred Corridor and the West Consensus Corridor, lie within an area that is an important part of the Ancestral Seminole land and we appreciate the opportunity to provide the following comments on the proposed draft EIS (please refer to the attached map as needed)."</i></p> <ul style="list-style-type: none"> <li><i>A large number of archaeological sites have been recorded throughout southeast Florida and as noted in the draft EIS, numerous sites are known to occur near the proposed transmission line corridors. We are concerned with the possible impacts of any undertaking on cultural resources which may be present within the area of potential effect. Since it does not appear that either of the possible transmission line corridors have been subjected to a systematic Phase I cultural resources assessment survey, we request that such a survey be conducted at the appropriate time</i></li> </ul>	<p>DEIS Section 2.7.3 states,  "A work plan for a Phase I investigation of these facilities and a schedule for this Phase I work, as well as desktop cultural resources investigations have been completed for the proposed transmission lines (FPL 2009-TN1513; FPL 2009-TN1515; FPL 2011-TN95; FPL 2013-TN2941)."</p> <p>"In addition to the desktop studies, FPL provided a separate work plan that describes the additional work that would be required once a transmission line corridor is selected (FPL 2009-TN1515; FPL 2011-TN95). SHPO has concurred with the adequacy of this work plan, which stipulates coordination with appropriate local government representatives, additional Tribal coordination, development of an unanticipated finds plan (including personnel training), and archaeological and architectural resource surveys. If resources cannot be avoided, including those identified in the desktop study and any additional resources that might be identified during future survey efforts, then appropriate minimization or mitigation measures would need to be developed in coordination with the SHPO."</p> <p>In addition, a desktop analysis and visual survey of accessible areas within the MDLPA 2 (West Consensus) Corridor was conducted consistent with the evaluation described in ER Section 2.5.3.3.2.</p> <p>Reference – ML13311A105.</p> <p>In addition, DEIS Section 4.6 states [note that 'APE' is the acronym for 'Area of Potential Effects'],  "For transmission lines and other off-site facilities, FPL has completed desktop cultural resources investigations, including a search of the Florida Master Site file (Janus Research 2009) (FPL 2011-TN95). The archaeological sites and historic structures within the direct and indirect effects APEs for the transmission line corridors</p>

No.	Seminole Tribe of Florida Comment (bold text applied for emphasis) <i>and that the results of such survey be provided to the STOF-THPO for review and comments. If any preliminary or desktop/archival investigations have already been completed we would like to be provided copies of those reports.</i>	<b>FPL Observation</b> (bold text applied for emphasis)
		<p>are listed in Section 2.7. The desktop investigation concluded that no known resources were found in the APE for the non transmission lines offsite facilities, including water pipelines from the MDWASD SDWWTP and various access roads and bridges. In a work plan prepared for the offsite facilities (FPL 2009-TN1515), FPL has committed to conducting comprehensive archaeological and above-ground historical resource surveys of these offsite facilities prior to construction. These surveys would be conducted pursuant to Section 106 of the NHPA and in coordination with the USACE, Florida SHPO, and federally recognized tribes. If avoidance of any resources determined eligible for the NRHP were not feasible, appropriate minimization or mitigation measures shall be developed in coordination with the USACE and SHPO."</p> <p>"They also require FPL to develop an unanticipated finds plan outlining the procedures to be followed should significant archaeological materials or human remains be encountered during construction. FPL has also committed to developing procedures for informing construction managers and workers to stop work if cultural materials or human remains are inadvertently discovered during construction and to notify the SHPO and USACE, who in turn shall inform the federally recognized tribes (FPL 2014-TN4058). All work would be halted until the discovery is resolved, per the permit's Special Conditions. Any land-disturbing activity that affects a cultural resource would require a cultural resource assessment."</p> <p>"The review team concludes that impacts on significant resources would be difficult to avoid and mitigation would be required if adverse effects on these resources or unanticipated discoveries cannot be avoided. These mitigation measures would be determined by the USACE in consultation with the Florida SHPO, the Miami-Dade County Office of Historic and Archaeological Resources, and federally recognized tribes. FPL has committed to working with the USACE, federally recognized tribes, and the Florida SHPO to conduct comprehensive Phase I surveys prior to construction activities (FPL 2014-TN4058)."</p>



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		<p>DEIS Section 2.7.4 states,</p> <p>"By letters dated June 24, 2010, the NRC initiated consultations with five Federally recognized tribes—the Miccosukee Tribe of Indians of Florida, the Muscogee (Creek) Nation of Florida, the Seminole Tribe of Florida, the Poarch Band of Creek Indians, and the Seminole Nation of Florida—regarding the proposed COL application (see Appendix C for complete listing). In the letter, the NRC provided information about the proposed action and indicated that review under the NHPA would be integrated with the NEPA process in accordance with 36 CFR 800.8(c) (TN513). The letter also provided the recipients with an opportunity to identify concerns and provide advice on the evaluation of historic properties, including those of traditional, religious, and cultural importance, and to participate in any necessary resolution of adverse effects to such properties. On July 29, 2010, the NRC also conducted follow-up calls to the tribes. The Seminole Tribe of Florida responded by letter on September 14, 2010 (Seminole Tribe of Florida 2010-TN1452), stating that the project occurs in its geographic area of interest. The Tribe requested that surveys be conducted in all unsurveyed portions of the project, including transmission line corridors, and that it be kept informed of any future studies or identified cultural resources. On October 20, 2010, the NRC and the USACE met with the Seminole Tribe of Florida to discuss the Turkey Point project (NRC 2010-TN1460). During the meeting, the NRC presented a summary of the project and a review of NRC's role. The Tribal Historic Preservation Officer (THPO) for the Seminole Tribe of Florida stressed that the THPO's role is limited to review under the NHPA. The THPO also requested participation in the development of any work plans and future studies, and stressed the possibility of encountering both historic resources important to the Tribe as well as deeply buried resources that might be unearthed during construction, particularly in regard to the offsite facilities such as the transmission lines."</p> <p>"Also in letters dated October 23, 2014 (NRC 2014-TN4063; NRC 2014-TN4064) the</p>

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		<p>NRC informed the Muscogee (Creek) Nation of Florida and the Seminole Tribe of Florida of this change in lead agency for Section 106 of the NHPA. The NRC also informed the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida of a request for a consultation meeting with the NRC, the USACE, and the tribes prior to the publication of the draft EIS."</p> <p>Regarding the statement, <i>"If any preliminary or desktop/archival investigations have already been completed we would like to be provided copies of those reports,"</i> please note, Seminole Tribe of Florida. 2010. Letter from W. Steele to A. Kugler, dated September 14, 2010, regarding "Assessment of Effects for the Proposed Construction of Two Additional Nuclear Reactors at Turkey Point, Miami-Dade County, Florida." Clewiston, Florida. Accession No. ML102660296. TN1452, states,</p> <p>"The STOF-THPO has also received and reviewed the CRAS conducted and submitted by Janus Research, dated 16 December 2009, in which it is stated "linear facilities (namely access roads, transmission lines, and water pipelines) are being permitted as corridors in the SCA process. Therefore, the CRA report for the project's linear facilities will be shared with you after placement of those facilities is finalized." The STOF-THPO would like to request that these areas be surveyed under moderate to high probability which was suggested in the COL application (2.5-43)."</p> <p>Reference – Seminole Tribe of Florida. 2010. Letter from W. Steele to A. Kugler, dated September 14, 2010, regarding "Assessment of Effects for the Proposed Construction of Two Additional Nuclear Reactors at Turkey Point, Miami-Dade County, Florida." Clewiston, Florida. Accession No. ML102660296. TN1452.</p> <p>The Cultural Resource Assessment Survey Work Plan for the Turkey Point Units 6 &amp; 7 Associated Linear Facilities states,</p> <p>"PROPOSED WORK PLAN</p>

No.	Seminole Tribe of Florida Comment (bold text applied for emphasis)	FPL Observation (bold text applied for emphasis)
		<p>1. Tribal Coordination</p> <p>Project notification letters were sent to the following five federally recognized tribes with cultural affiliation to Florida: Miccosukee Tribe of Indians of Florida, the Seminole Tribe of Florida, the Muskogee Creek Indians, the Poarch Band of Creek Indians and the Seminole Nation of Oklahoma. Section 106 also requires that the tribes be informed of the results of any survey. Therefore, it is recommended that a copy of the final report documenting the results of the survey be sent to the five federally-recognized tribes.</p> <p>In addition, due to the proximity of the Project to Tribal lands associated with the Florida-resident Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida, a meeting is recommended prior to the initiation of the field investigations. It is recommended that separate meetings be held with the Tribal Historic Preservation Officer for the Seminole Tribe and the Section 106 Coordinator for the Miccosukee Tribe. The purpose of the meeting will be to review the project, address any comments resulting from the project notification letters previously sent to the Tribes, and identify any cultural issues, sacred areas, or traditional use areas within the APE. Further coordination is recommended to resolve any potential concerns should any such issues be identified during the survey. The form of this coordination will depend on the results of the field investigations and will be determined, as needed.</p> <p>2. Develop an Unanticipated Finds Plan and Contractor Training Prior to Construction</p> <p>Prior to construction, it is recommended that an unanticipated finds plan be developed to outline the procedures and identify personnel to be contacted if significant archaeological material or human remains are encountered during construction. The plan will be included in a contractor training program prior to construction. The goal of</p>



No.	<b>Seminole Tribe of Florida Comment</b> (bold text applied for emphasis)	<b>FPL Observation</b> (bold text applied for emphasis)
		<p>the training will be to inform construction personnel, inspectors, and managers of the possibility for human remains and archaeological material in a given area and to develop a clear understanding of what procedures should be followed if human remains or archaeological material are identified during earth-disturbing activities.</p> <p>3. Archaeological and Historic Survey and Identification Plan for Access Roads and Bridges</p> <p>a) Surveys will be conducted prior to construction.</p> <p>b) No historic resources survey will be required unless the road is an existing historic road, which will be documented on a FMSF form and evaluated.</p> <p>c) No archaeological survey will be required if the road is an existing paved road or an existing gravel or dirt road with no proposed widening.</p> <p>d) A visual survey of all roads will be conducted to identify areas of high archaeological probability within new roads or areas of road widening.</p> <p>e) A standard archaeological survey will be conducted for new roads or areas of road widening if the road is located within an area of high archaeological probability or adjacent to a previously recorded site. Testing will be conducted at 25-m intervals. Shovel testing will be confined to the APE.</p> <p>i) A minimum of four shovel tests will be excavated, if possible, to bound identified sites. As feasible, these additional tests will be excavated at approximately 12.5 meter intervals until two negative shovel tests are encountered. Shovel testing will be confined to the APE.</p> <p>ii) FMSF forms will be completed for newly identified archaeological sites.</p> <p>iii) FMSF forms will not be completed for an archaeological occurrence, defined by the FMSF as:</p> <p>"an archaeological site likely to represent no more than a single accidental event. An occurrence consists of one or two non-diagnostic artifacts, not known to be transported from their original context, which fit within a hypothetical</p>

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		<p>cylinder of thirty meters diameter, regardless of depth below surface" (DHR 2004:31).</p> <p>iv) Archaeological occurrences will be bound by shovel tests at 12.5 meter intervals until two negative shovel tests are encountered in the four cardinal directions and recorded in a table.</p> <p>4. Archaeological Survey and Identification Plan for the Transmission Line Corridors, the Reclaimed Water Delivery Pipelines and the Potable Water Pipelines</p> <p>a) Surveys will be conducted prior to construction.</p> <p>b) The APE for the archaeological survey will be confined to the construction corridor and associated staging areas. Once a construction corridor is identified, the background research, including the locations of previously recorded resources, will be updated to reflect the APE. A visual survey of the APE will also be conducted to refine the archaeological probability areas developed as part of this work plan, identify the specific locations for archaeological subsurface testing, and develop a detailed research plan to be included in the cultural resource assessment survey report.</p> <p>c) All previously recorded archaeological sites within the APE will be field verified and re-evaluated. Updated FMSF forms will be completed for each previously recorded site.</p> <p>d) A reconnaissance level survey will be conducted for previously surveyed areas that do not meet current professional standards, to be defined in consultation with SHPO. The reconnaissance survey will include a pedestrian and visual inspection to document current conditions and to identify and judgmentally test high probability zones.</p> <p>e) An archaeological survey with testing keyed to zones of archaeological probability will be completed for areas that have not been subject to a previous survey.</p> <p>f) Subsurface testing in areas of high and moderate site potential will be conducted at</p>

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		<p>25-m (82-ft.) and 50-m (164-ft.) intervals respectively. Subsurface testing in areas considered to be of low archaeological site potential will be conducted on a judgmental basis. Shovel testing will be confined to the APE.</p> <ul style="list-style-type: none"> <li>i) A minimum of four shovel tests will be excavated, if possible to bound identified sites. As feasible, these additional tests will be excavated at approximately 12.5 meter intervals until two negative shovel tests are encountered. Shovel testing will be confined to the APE.</li> <li>ii) FMSF forms will be completed for newly identified archaeological sites.</li> <li>iii) FMSF forms will not be completed for an archaeological occurrence, defined by the FMSF as: <ul style="list-style-type: none"> <li>"an archaeological site likely to represent no more than a single accidental event. An occurrence consists of one or two non-diagnostic artifacts, not known to be transported from their original context, which fit within a hypothetical cylinder of thirty meters diameter, regardless of depth below surface" (DHR 2004:31).</li> </ul> </li> <li>iv) Archaeological occurrences will be bound by shovel tests at 12.5 meter intervals until two negative shovel tests are encountered in the four cardinal directions and recorded in a table.</li> </ul> <p>6. Historic Resource Survey and Identification Plan for the Transmission Line Corridors, the Reclaimed Water Delivery Pipelines, and Potable Water Pipelines</p> <ul style="list-style-type: none"> <li>a) The APE for the historic resources survey will consider both direct and indirect effects.</li> <li>b) The APE for Direct effects will be confined to the construction corridor(s) used for the transmission lines and pipelines. <ul style="list-style-type: none"> <li>i) Surveys will be conducted prior to construction.</li> <li>ii) A standard historic resource survey will be conducted to identify resources in areas that have not been previously surveyed. Florida Master Site Files will be</li> </ul> </li> </ul>



No.	Seminole Tribe of Florida Comment (bold text applied for emphasis)	FPL Observation (bold text applied for emphasis)
		<p>completed for newly identified resources.</p> <p>iii) All previously recorded historic districts and individual resources will be field verified. Each individual buildings or structures within the boundaries of a previously recorded historic district will not be field verified. Updated FMSF forms will be completed only if substantial changes have occurred since its initial recording. Such changes include:</p> <ul style="list-style-type: none"> <li>• Demolition</li> <li>• Change in NR status</li> <li>• Change in original massing</li> </ul> <p>iv) The boundaries of both previously recorded and newly identified historic districts will be noted and recorded on FMSF forms. Individual buildings within the historic district will not be recorded.</p> <p>c) An indirect APE in not applicable to the pipelines, roads, and bridges as the improvements will be at or below the ground surface. The Indirect APE analysis will be applicable only to the transmission line corridors. A visual survey will be conducted to establish and define an indirect APE, which will be coordinated with DHR/SHPO. This survey will be conducted prior to construction.</p> <p>i) A reconnaissance level historic resource survey, which will include a visual inspection, will be conducted to identify individual resources or districts potentially eligible for or listed in the National Register. Representative photographs of resources will be taken and their locations noted on a map. FMSF forms will not be completed.</p> <p>7. Resolution of Effects  Section 106 consultation will be conducted with SHPO to identify and resolve any adverse effects to significant resources."</p> <p>Reference – Cultural Resource Assessment Survey Work Plan for the Turkey Point</p>

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		<p>Units 6 &amp; 7 Associated Linear Facilities, Janus Research (June 2009) – ML 11109A022.</p> <p>In addition, Condition of Certification, Section C. IV. A. states,</p> <p>"IV. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES</p> <p>A. Except to the extent already completed, the Licensee shall conduct a survey of sensitive cultural resource areas, as determined in consultation with DHR. A qualified cultural resources consultant will identify an appropriate work plan for this project based on a thorough review of the Certified Area. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR. If practicable, sites considered to be eligible for the National Register shall be avoided during construction of the project and access roads, and subsequently during maintenance. If avoidance of any discovered sites is not practicable, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate."</p>
2	<p>Seminole Tribe of Florida letter dated 10/5/15, Page 1, 3<sup>rd</sup> Paragraph</p> <ul style="list-style-type: none"> <li>"Our experience has shown that archaeological sites in the Everglades have a high likelihood of containing burial resources (human skeletal remains, etc.). This is especially relevant with regards to the West Consensus Corridor. <b>It is the Tribes position that the remains of</b></li> </ul>	<p>See also FPL Observation on Seminole Tribe of Florida Comment Nos. 1 and 3.</p> <p>The transmission lines in any of the west corridors will comply with all applicable federal and state requirements relating to the protection of archaeological and historic resources. "FPL has committed to comply with these conditions, and for all -- for any and all of the proposed transmission line corridors, which will include a cultural resources assessment survey, FPL has also made a commitment to avoid or mitigate any impacts to significant cultural resources. And in addition, the work plan -- the Division of Historical Resources' approved work plan requires that consultation will be conducted to identify and resolve any adverse effects to significant resources. The significant archaeological sites can be avoided by spanning the sites, so there</p>

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	<p><b><i>ancestors should be left undisturbed and every effort should be made to identify sites in advance of any ground disturbance, and those sites avoided whenever feasible. We also request that at the appropriate time, prior to any ground disturbing activities, the USACE, the STOF-THPO, and other appropriate parties develop protocols to follow in the event of the unanticipated discovery of human remains during any phase of the proposed undertaking.</i></b></p>	<p>wouldn't be any direct impact to them, and by ensuring that no workplaces take place in the locations of the sites within the site boundaries.</p> <p>And effects to significant historic resources can be minimized or avoided by the placement of poles or accepted mitigation methods determined in consultation with the Florida Division of Historical Resources and local governments. And, finally, Janus Research and I have personal experience with FPL and other utilities as well as transportation facilities, linear facilities, as well as transportation facilities, performing this sort of work on linear facilities in accordance with measures similar to those included in the work plan, and it has turned out to be very successful." Hoffman, SCO Hearing Transcript, 3456-3458.</p> <p>The Cultural Resource Assessment Survey Work Plan for the Turkey Point Units 6 &amp; 7 Associated Linear Facilities states,  "PROPOSED WORK PLAN</p> <p>2. Develop an Unanticipated Finds Plan and Contractor Training Prior to Construction</p> <p>Prior to construction, it is recommended that an unanticipated finds plan be developed to outline the procedures and identify personnel to be contacted if significant archaeological material or human remains are encountered during construction. The plan will be included in a contractor training program prior to construction. The goal of the training will be to inform construction personnel, inspectors, and managers of the possibility for human remains and archaeological material in a given area and to develop a clear understanding of what procedures should be followed if human remains or archaeological material are identified during earth-disturbing activities."</p> <p>Reference- Cultural Resource Assessment Survey Work Plan for the Turkey Point Units 6 &amp; 7 Associated Linear Facilities, Janus Research (June 2009) – ML 11109A022.</p>



No.	Seminole Tribe of Florida Comment (bold text applied for emphasis)	FPL Observation (bold text applied for emphasis)
3	<p>Seminole Tribe of Florida letter dated 10/5/15, Page 2, 1<sup>st</sup> Paragraph</p> <ul style="list-style-type: none"> <li>• <b><i>"At least one area considered sacred to the Seminole, a natural spring, is located near a portion of the East Preferred Corridor. We are concerned with the possible effects of transmission line construction on the hydrology of that area and request that sufficient technical analysis be conducted to assess if water flowing to the spring would be interrupted or adversely affected. We would also ask that the USACE make available an appropriate, knowledgeable individual to discuss the results of such investigations"</i></b></li> </ul>	<p>In addition, Condition of Certification, Section C. IV. B. states,</p> <p>"IV. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES</p> <p>B. If historical or archaeological artifacts or features are discovered at any time within the Certified Area, the Licensee shall notify the SED and DHR, R.A. Gray Building, 500 S. Bronough Street, Rm 423, Tallahassee, Florida 32399-0250, telephone number (850) 487-6333, and Miami Dade County Office of Historic Preservation (at 305-375-4958) and the Licensee shall consult with DHR to determine appropriate action."</p> <p>The Seminole Tribe of Florida letter references a map, but no map was submitted to the Corps or to FPL. Therefore, the identity and location of this natural spring is currently unknown by these parties. Please provide this information.</p> <p>Notwithstanding that the proposed transmission lines do not require any hydrological resources for operation and the actual pad footprints are very small relative to the size of the corridor, FPL has committed to the Conditions of Certification listed below, regarding the avoidance or minimization of impacts to historic and archaeological sites and cultural resources.</p> <p>Condition of Certification, Section C. IV. states,</p> <p>"IV. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES</p> <p>A. Except to the extent already completed, the Licensee shall conduct a survey of sensitive cultural resource areas, as determined in consultation with DHR. A qualified cultural resources consultant will identify an appropriate work plan for this project based on a thorough review of the Certified Area. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the</p>

No.	Seminole Tribe of Florida Comment (bold text applied for emphasis)  <i>with members of the Tribal community if needed.</i>	FPL Observation (bold text applied for emphasis)
		<p>survey, the results will be compiled into a report which shall be submitted to DHR. If practicable, sites considered to be eligible for the National Register shall be avoided during construction of the project and access roads, and subsequently during maintenance. If avoidance of any discovered sites is not practicable, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate.</p> <p>B. If historical or archaeological artifacts or features are discovered at any time within the Certified Area, the Licensee shall notify the SED and DHR, R.A. Gray Building, 500 S. Bronough Street, Rm 423, Tallahassee, Florida 32399-0250, telephone number (850) 487-6333, and Miami Dade County Office of Historic Preservation (at 305-375-4958) and the Licensee shall consult with DHR to determine appropriate action."</p> <p>In addition, Condition of Certification, Section C. VII. E. states,</p> <p>"E. Cultural and Archeological Resources</p> <p>1. In the final design of the certified transmission lines, to the extent practicable,</p> <p>a. For the Davis-Miami transmission line, FPL shall avoid or minimize impacts to County-designated, known historic and archaeological sites and cultural resources that are identified by completion of a cultural resources survey. If any impact to a historic or archaeological site cannot be avoided completely, the Licensee shall conduct an Effects Analysis, and consult with DHR and MDC to identify appropriate action and mitigation, if necessary; and</p> <p>b. For the Clear Sky-Levee and Clear Sky-Pennsuco transmission lines, FPL shall avoid or minimize impacts to County-designated and known historic and archaeological sites, and cultural resources that are identified by completion of a cultural resources survey. If any impact to a historic or archaeological site cannot be avoided completely, the Licensee shall conduct</p>

No.	Seminole Tribe of Florida Comment (bold text applied for emphasis)	FPL Observation (bold text applied for emphasis)
		<p>an Effects Analysis, and consult with DHR and MDC to identify appropriate action and mitigation, if necessary.</p> <p>2. FPL shall provide as a post-certification submittal final design drawings demonstrating compliance with these requirements.</p> <p>3. FPL shall provide copies to MDC of any surveys or reports made to the Division of Historical Resources (DHR)."</p> <p>See also FPL Observation on Seminole Tribe of Florida Comment Nos. 1 and 2 above.</p>
4	<p>Seminole Tribe of Florida letter dated 10/5/15, Page 2, 2<sup>nd</sup> Paragraph</p> <ul style="list-style-type: none"> <li>"Lastly, in the USACE's April 4th, 2015 public notice announcing the release and availability of the Turkey Point draft EIS, it is stated that a short section of the transmission line, presumably the East Preferred Corridor, will cross beneath the Miami River as an underground cable system. The area proposed for this crossing, east of Interstate I-95, is rich in aboriginal archaeological sites including sites that have been shown to contain numerous burials. We caution that any ground disturbing activities in these areas has a heightened potential for encountering cultural and/or burial resources and we</li> </ul>	<p>The underground crossing of the Miami River is proposed for an area whose land uses currently include single family, multi-family residential, Simpson Park, commercial, and industrial uses. FPL currently has a number of underground lines that cross the Miami River in this area to the south of the Miami substation.</p> <p>Curtis, SCO Hearing Transcript, 3799-3802; Johnson, SCO Hearing Transcript, 2270-2271.</p> <p>The area of the underground crossing of the Miami River was included in the Preliminary Cultural Resources Report for the Turkey Point Units 6 &amp; 7 Associated Linear Facilities. That preliminary report includes a discussion of previously recorded archaeological sites, previously recorded historic structures, and zones designated by the City of Miami. As discussed in the response to Comment 1 above, surveys will be conducted prior to construction. Background research will be updated, a visual survey will be conducted, specific locations for archaeological subsurface testing will be identified as needed, and a detailed research plan will be developed.</p> <p>As noted in FPL Observation on Seminole Tribe of Florida Comment No. 2 above, FPL has committed to comply with all applicable federal and state requirements relating to the protection of archaeological and historic resources and will consult with all appropriate agencies in these efforts.</p>



No.	Seminole Tribe of Florida Comment (bold text applied for emphasis)	FPL Observation (bold text applied for emphasis)
	<i>would like to be consulted further when details of such a river crossing are being developed. We again recommend that protocols be developed in consultation with the STOF-THPO to deal with the unanticipated discovery of human remains.</i> <sup>19</sup>	See also FPL Observation on Seminole Tribe of Florida Comment Nos. 1 and 3 above.