



**Acquisition of Florida Power &  
Light Company Lands in the  
East Everglades Expansion Area**

**Draft  
Environmental Impact Statement**

**Public Meeting**

**February 19, 2014**





## Agenda

- ❖ Project Background
- ❖ Land Acquisition Authorities
- ❖ Related Federal & State Actions
- ❖ Purpose and Need for Acquiring FPL's property
- ❖ Acquisition Alternatives under consideration
- ❖ Impacts of Alternatives
- ❖ Next Steps in EIS process

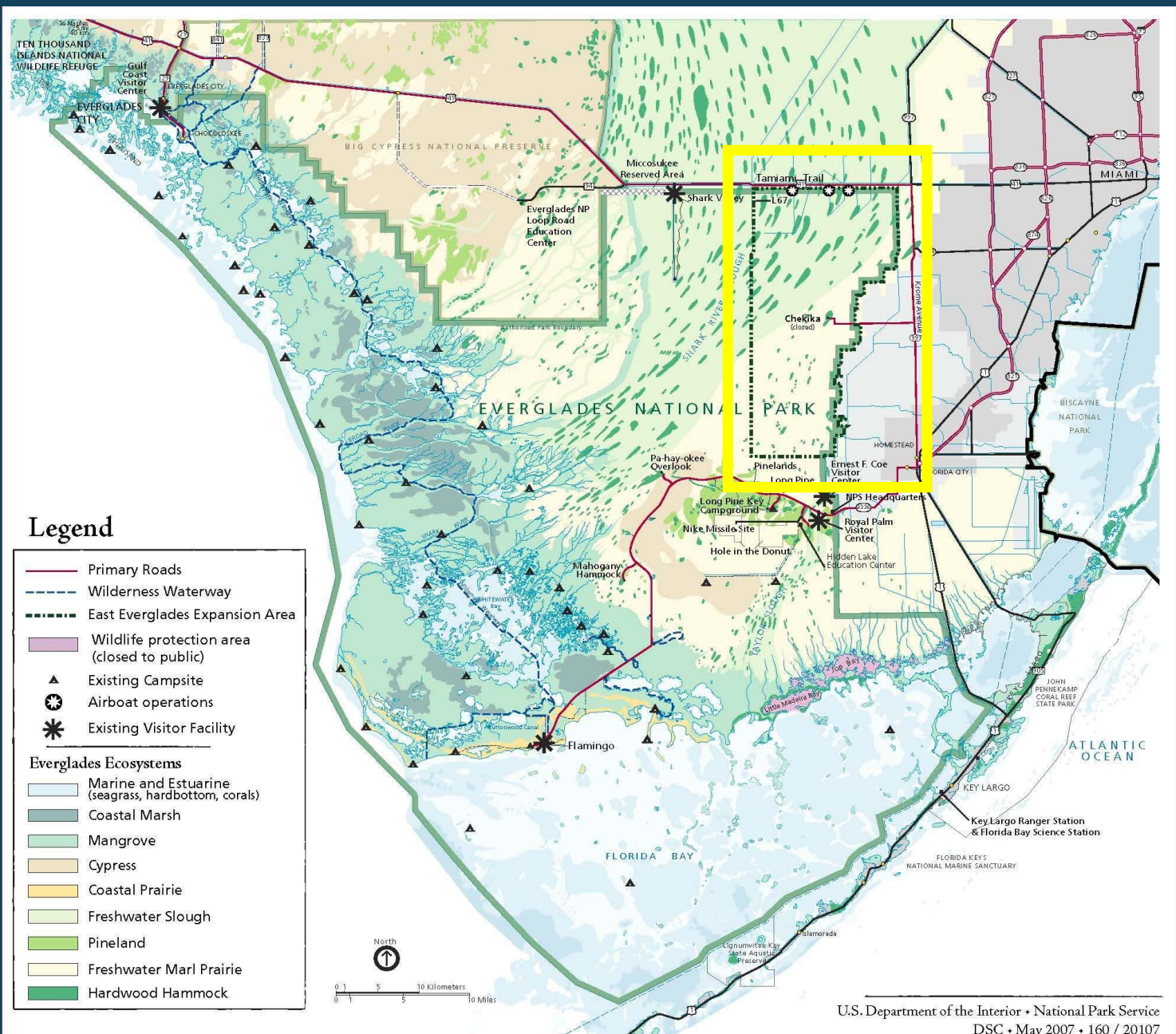


# Everglades National Park Florida

National Park Service  
U.S. Department of the Interior



## Park Map



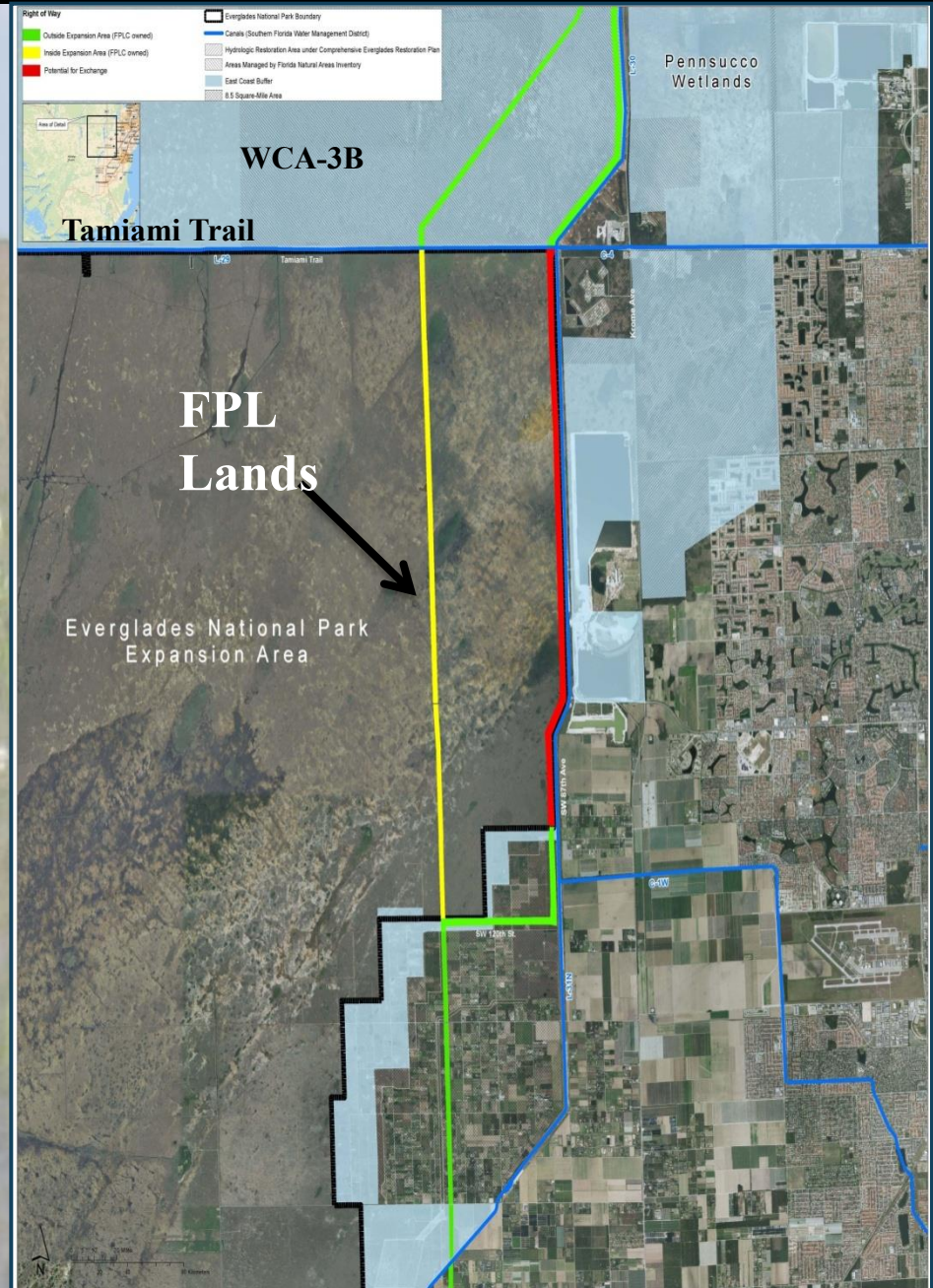




## Project Background

❖ Since the 1960's, FPL has owned about 320 acres of land, mostly in fee title, which are now located within Everglades National Park

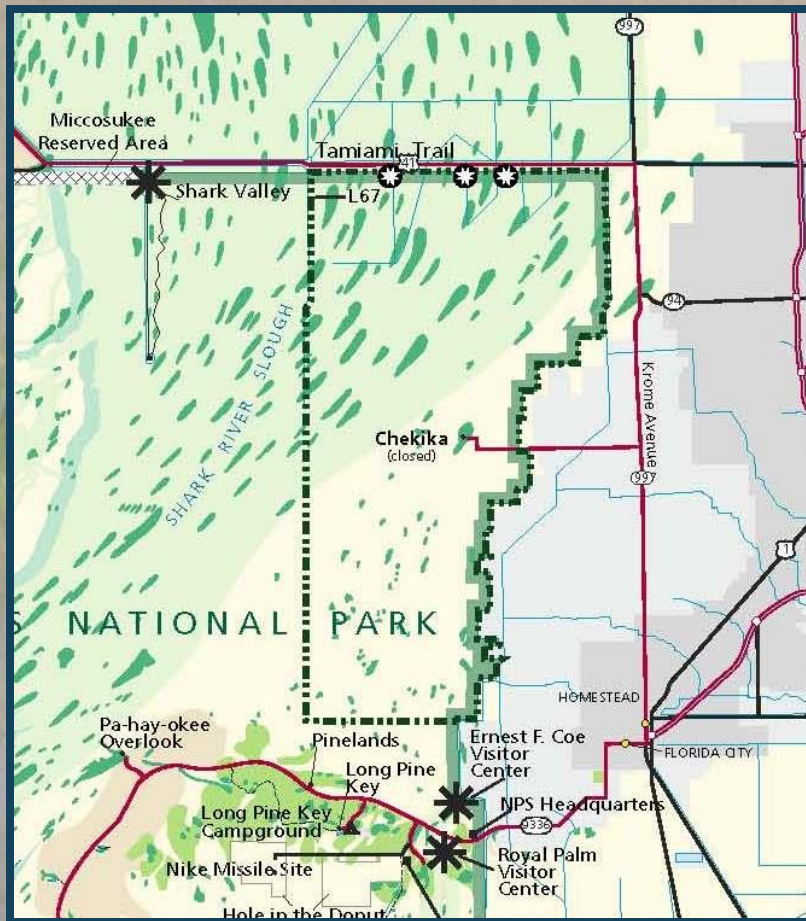
❖ Property is a strip of land 330 to 370 feet wide, approximately 7.5 miles in length







## Everglades National Park Protection and Expansion Act (1989)



- ❖ Expanded park boundary by 109,500 acres to include NE Shark River Slough & East Everglades
- ❖ Purpose: *“to increase the level of protection...and to enhance the ecological values, natural hydrologic conditions and public enjoyment of Northeast Shark River Slough and East Everglades...”*
- ❖ Authorized Secretary to acquire lands and interests in lands within East Everglades Expansion Area (EEEA) by purchase, donation or exchange
- ❖ FPL property was included in EEEA
- ❖ Directed USACE to modify water deliveries to restore hydrologic conditions in EEEA



## **NPS Acquisition of FPL Lands**

- ❖ In 1996, NPS began negotiations with FPL for properties in the Expansion Area.
- ❖ NPS needs FPL's land, or a flow easement on it, to implement higher water levels from Modified Water Deliveries Project; other restoration projects
- ❖ FPL needs this property, or alternate replacement property, for construction of proposed transmission lines.
- ❖ To date, NPS and FPL have been unable to reach an agreement on the direct acquisition of FPL's property.





## Identification of Potential Exchange Corridor

- ❖ (2007-08) NPS and other agencies (DOI, SFWMD, USACE, FDEP) considered corridor replacement alternatives, and identified the potential for a land exchange within the Park
- ❖ (2008) FPL conditioned negotiations with USACE for easements on FPL's land needed for the Mod Waters 1-mile bridge upon obtaining agreements from all parties to support the exchange. (Appendix C)







## Omnibus Public Land Management Act of 2009

- ❖ Public Law 111-11 authorized, but did not mandate, Secretary to exchange 260 acres of NPS land along Park boundary for the FPL property.
- ❖ Also authorized NPS to convey a perpetual easement to FPL for exotic vegetation management on NPS land adjacent to exchange corridor.
- ❖ Decision was left to Secretary's discretion, subject to conditions necessary to protect park resources and values.





## Related Federal and State Actions

- ❖ Several related actions & projects may affect the NPS land acquisition decision:
  - ❖ Everglades Restoration Projects
  - ❖ FPL Turkey Point Expansion (Units 6 & 7 Licensing and new transmission lines)



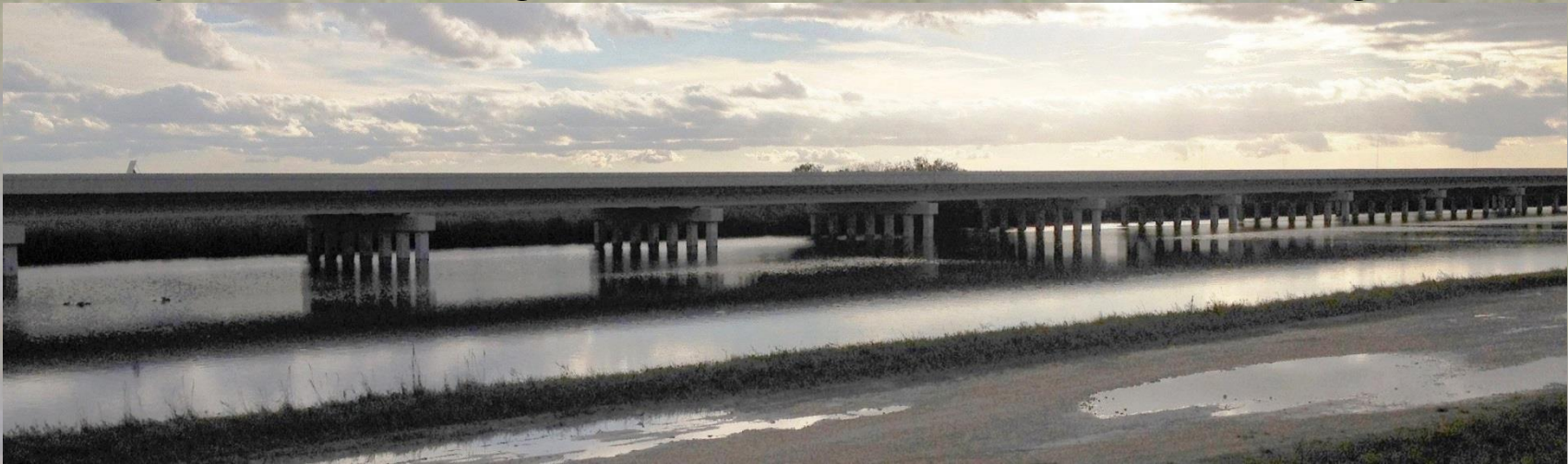




## Everglades Restoration

State and federal agencies are engaged in multi-billion dollar projects to restore natural water flows into the park:

- ❖ Modified Water Deliveries
  - 1-mile bridge and Tamiami Trail road modifications completed in 2013
- ❖ Tamiami -Trail Next Steps
  - 5 more miles of bridging planned
- ❖ Comprehensive Everglades Restoration Plan, Central Everglades Plan







## Everglades Restoration

- ❖ Flowing higher water levels into EEEA requires:
  - Acquisition of fee title or flowage easements on:
    - - FPL's property
    - - 3 commercial airboat tour facilities
    - - 2 AM radio tower properties
    - - Airboat Assoc. of FL (USACE)
  - Development of Water Control Plan (USACE) -- ~2018







## Turkey Point Power Plant Expansion

**FPL is seeking State & Federal Permits to construct:**

### **Plant & Associated Facilities**

- 2 new nuclear reactors (units 6 & 7)

### **New Transmission Lines**

- Western Corridor (focus of NPS EIS)
- Eastern Corridor

### **Approvals needed:**

- Nuclear Regulatory Commission Combined License for units 6 & 7. NRC EIS in progress
- State of Florida Site Certification for nuclear units & transmission lines. Awaiting Siting Board hearing.
- USACE CWA Sec. 404 wetlands fill permit. Review in concert with NRC EIS.

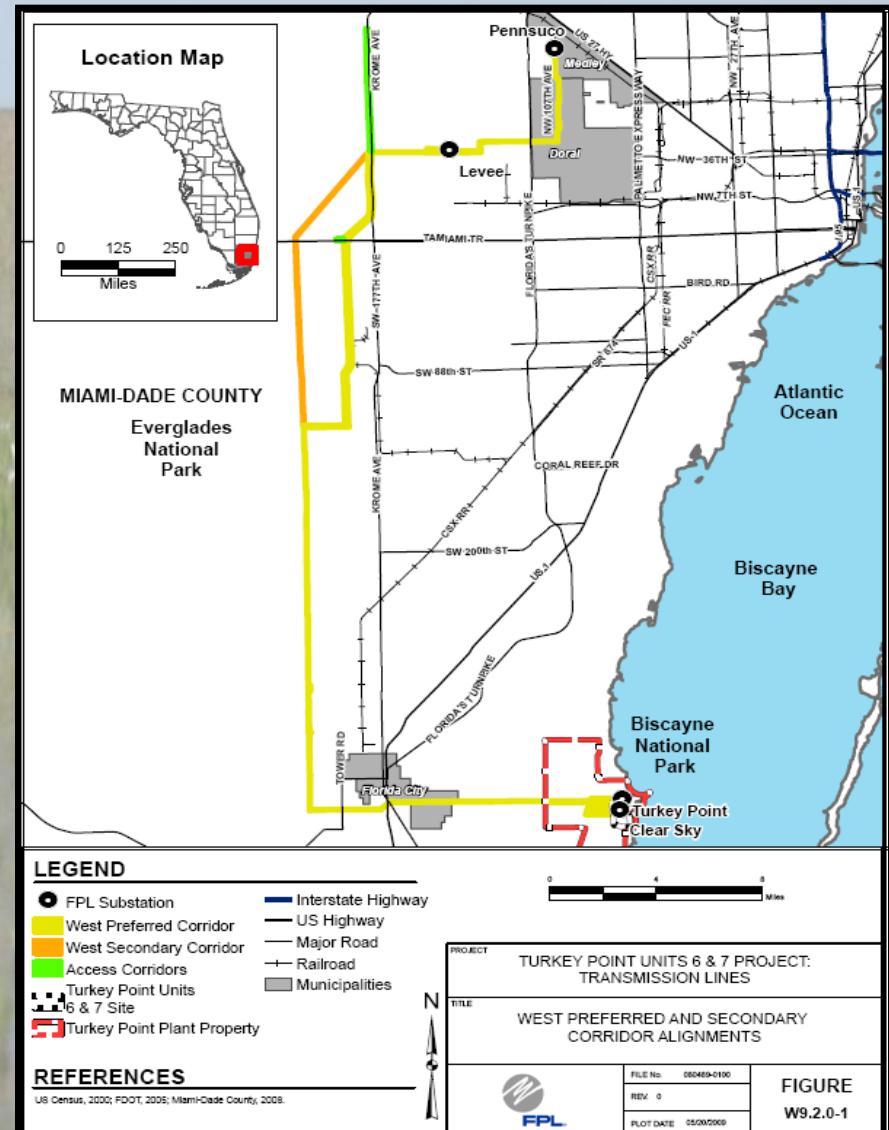






## Western Transmission Corridor

- ❖ FPL West Preferred Corridor:  
on exchange lands
- ❖ FPL West Secondary Corridor:  
on FPL's lands
- ❖ Two 500kV lines and one 230kV line
- ❖ Tower Height: 150 feet and 105 feet
- ❖ Details in Appendix F



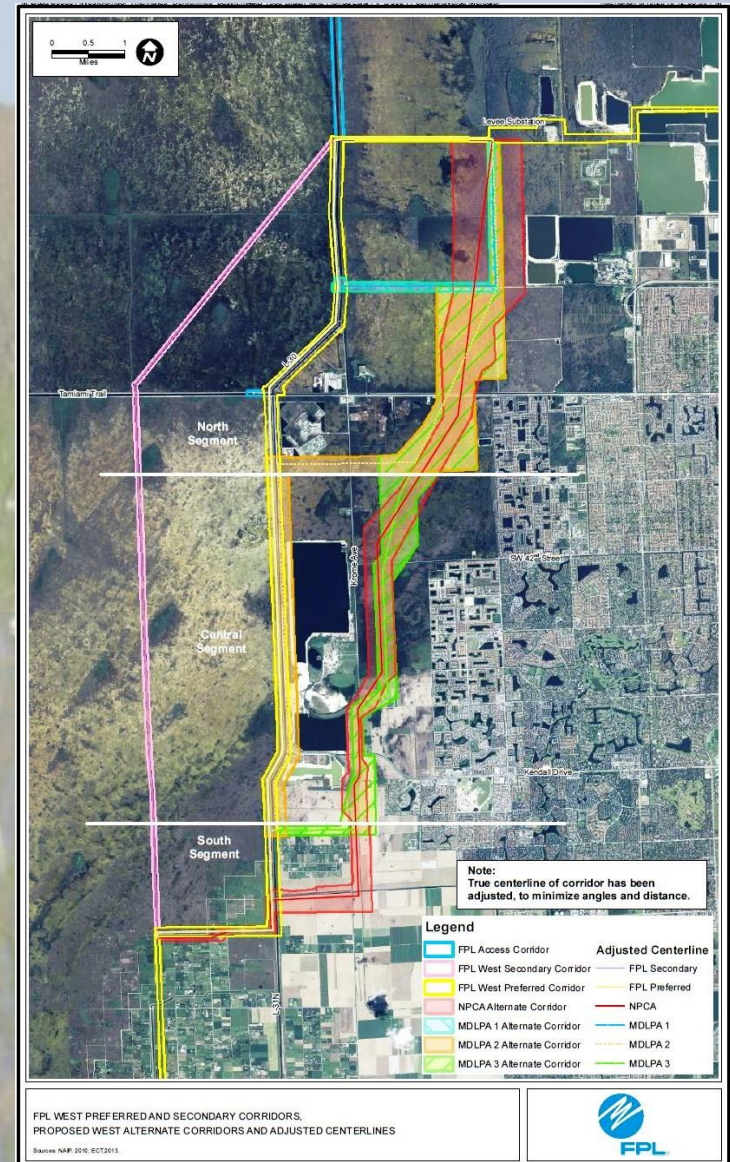




## Western Transmission Corridor

### State of Florida Site Certification

- ❖ National Parks Conservation Assoc. and Miami Dade Limestone Products Assoc. filed alternate western corridors for certification. All deemed suitable for certification by FPL and FDEP (2013).
- ❖ Late 2013 - FPL and MDLPA agreed to support “West Consensus Corridor” as FPL’s new preferred corridor. FPL is seeking certification of West Preferred as backup.
- ❖ FPL withdrew West Secondary Corridor from applications for certification and USACE 404 wetlands fill permit.
- ❖ Gov. & Cabinet certification decision in 2014. Alt. corridor details in Appendix D.







## NPS EIS Purpose and Need

The proposed federal action that is evaluated in this EIS is NPS acquisition of FPL's property within the park.

- The **purpose** of acquiring FPL's land, or a flowage easement on it, is to facilitate the hydrologic and ecological restoration of the park and the Everglades ecosystem.
- ❖ This action is **needed** to support the goals of restoring the Northeast Shark River Slough and fulfill purposes of the Mod Waters Project, Tamiami Trail - Next Steps, and the Comprehensive Everglades Restoration Plan.





## Acquisition Alternatives

The Draft EIS describes five alternatives for acquiring FPL's property in the park, or a flowage easement on this property.

1. No action (One alternative with and one without transmission line construction)
2. Fee acquisition by direct purchase or eminent domain
3. Fee for fee land exchange with conditional requirements
4. Easement for fee land exchange with conditional requirements
5. Acquisition of flowage easement on FPL property

**Note: Preferred Alternative not yet selected**





## Transmission Line Construction Scenarios

Draft EIS evaluates potential impacts from the acquisition of FPL land and the subsequent construction and operation of transmission lines that could be built inside or outside the park depending on the NPS action taken.

- Each acquisition alternative has several possible scenarios where FPL transmission lines may be constructed.
- Scenarios are possible *consequences of the acquisition alternatives*, and *are not part of the alternatives* themselves.
- To avoid repetition & confusion, each alternative has been assigned one potential transmission line construction scenario.

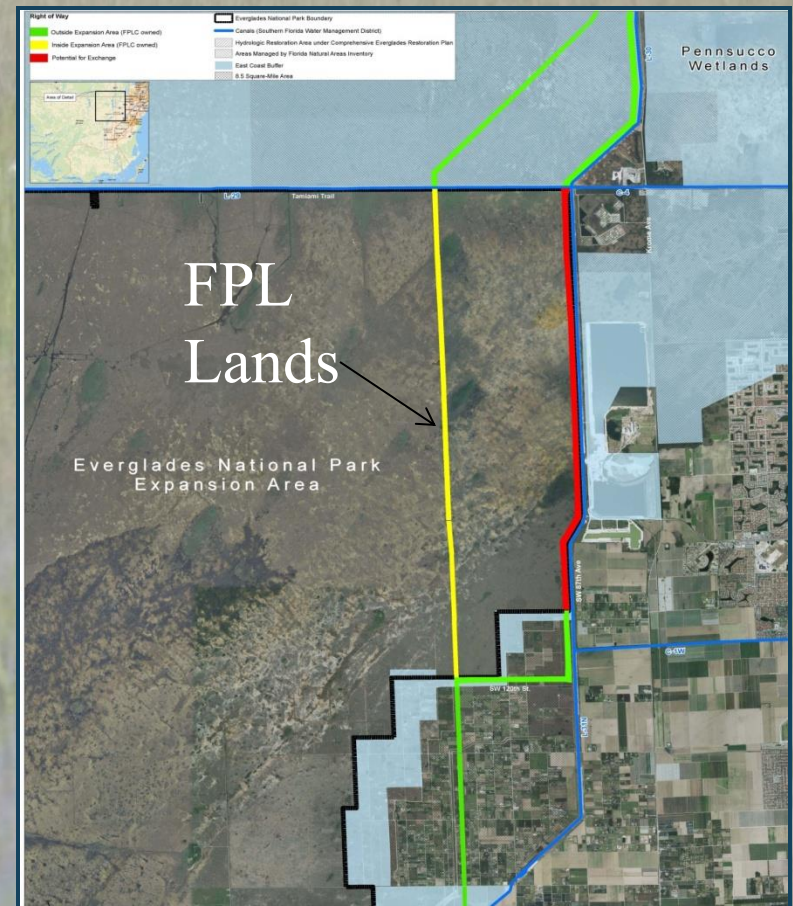




## Alternative 1A: No NPS Action – No FPL Construction

NPS would not take action to acquire FPL property or a flowage easement on it. No change in ownership of FPL or NPS property.

- ❖ NPS would continue to lack flowage easement needed for restoration flows
- ❖ **Transmission line construction scenario:** Assumes FPL does not construct transmission lines on West Secondary Corridor, West Preferred Corridor, or any area outside the park
- ❖ This alternative is status quo baseline. Impacts of other alternatives are compared to this baseline



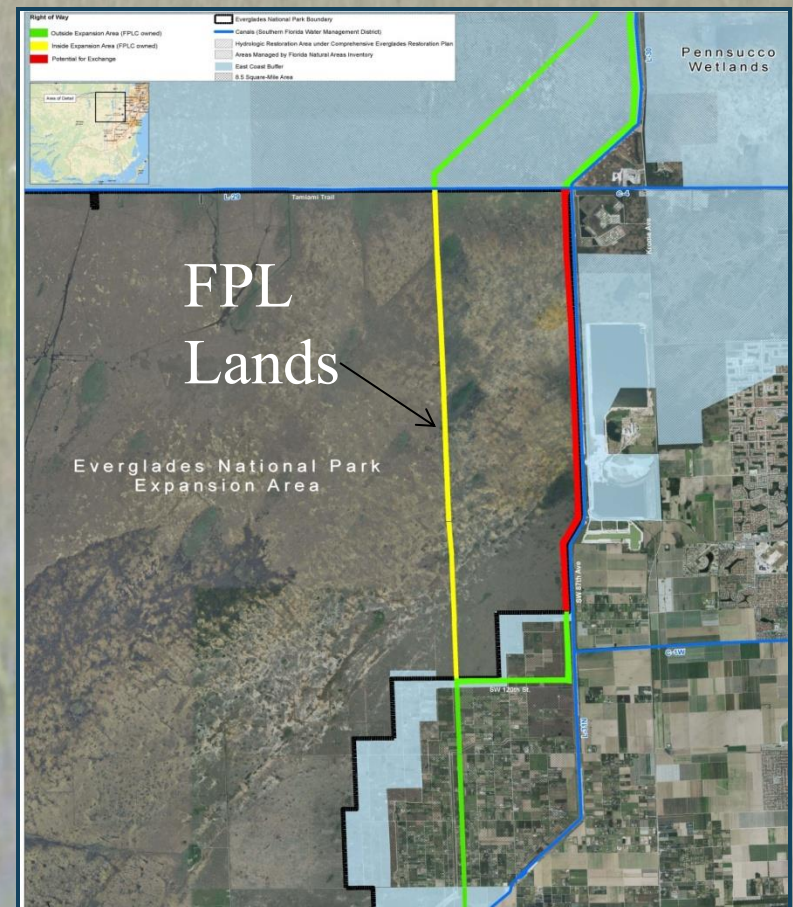




## Alternative 1B: No NPS Action – FPL Construction in the Park

NPS would not take action to acquire FPL property or a flowage easement on it. No change in ownership of FPL or NPS property.

- ❖ NPS would continue to lack flowage easement needed for restoration flows
- ❖ **Transmission line construction scenario:** Assumes FPL constructs transmission lines, fill pads, access roads on the West Secondary Corridor
- ❖ This **scenario is unlikely**, based on FPL's withdraw of West Secondary Corridor from its applications for state and federal permits in late 2013







## Alternative 2: NPS Acquisition of FPL Land

- ❖ NPS would acquire fee title to FPL's property by purchase or, as a last resort, by eminent domain. Lands would remain in a natural, undeveloped condition.
- ❖ Net gain of 320 acres of NPS land within the park
- ❖ **Transmission line construction scenario:** Assumes FPL would acquire a replacement corridor east of existing park boundary ("Area of Possible Relocated Corridor") and transmission lines, fill pads, access roads would be built outside the park.

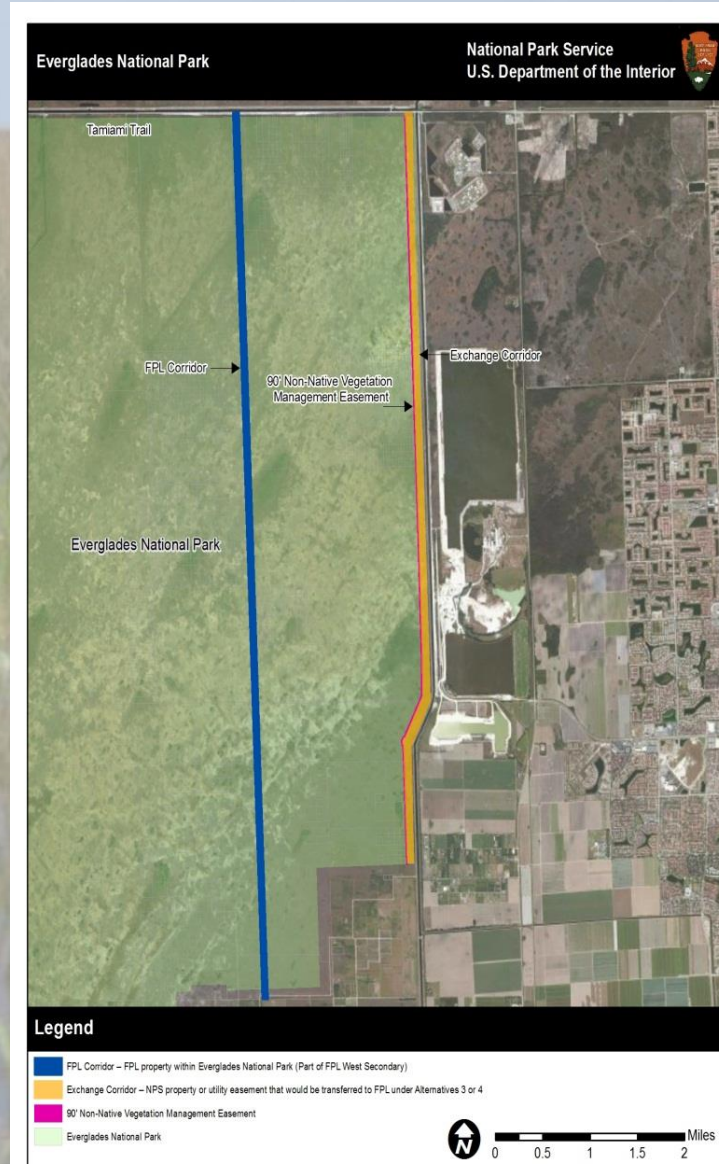






## Alternative 3: Fee for Fee Land Exchange

- ❖ FPL property would be acquired in fee. In exchange, NPS would give FPL fee title ownership of the exchange corridor and a 90-foot wide exotic vegetation management easement on contiguous NPS land.
- ❖ Terms and conditions would be established to protect park resources and values.
- ❖ NPS gain of 320 acres (former FPL property) and NPS loss of 260 acres in the exchange corridor – net NPS gain of 60 acres
- ❖ **Transmission line construction scenario:** Assumes FPL would construct transmission lines, fill pads, and access roads on lands FPL acquired by exchange (FPL West Preferred Corridor).

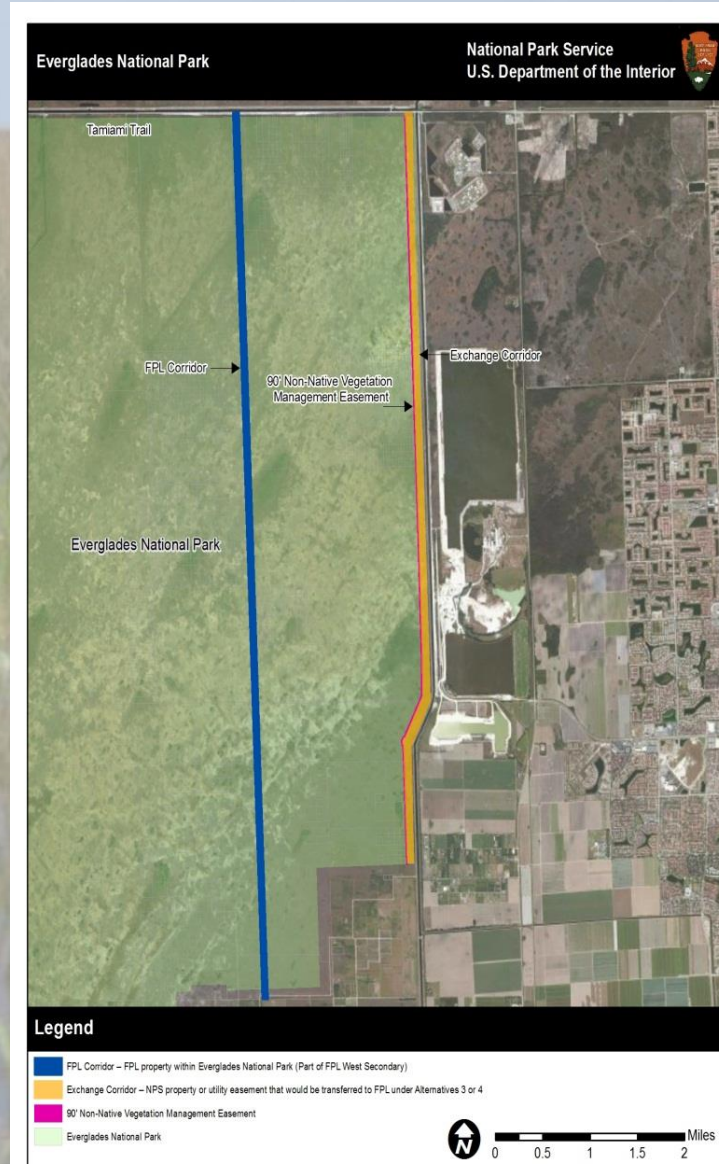






## Alternative 4: Easement for Fee Exchange

- ❖ FPL property would be acquired in fee. In exchange, NPS would give FPL a utility easement on NPS land in the exchange corridor, and a 90-foot wide exotic vegetation management easement on contiguous NPS land.
- ❖ Terms and conditions would be established to protect park resources and values. NPS would retain ability to implement restoration projects on the land.
- ❖ NPS gain of 320 acres in park (former FPL property). No decrease in area within authorized boundary.
- ❖ **Transmission line construction scenario:** Assumes FPL would construct transmission lines, pads, and roads on utility easement lands (FPL West Preferred Corridor). Same as Alternative 3, except that NPS would retain ownership of the underlying land.







## Draft Terms & Conditions – Alternatives 3\* & 4\*

### Alt 3 – Fee for Fee

- Perpetual flowage easement
- Future use – conservation or utility-related facilities
- Resource stewardship plans – BMPs; review and concurrence
- Right of first refusal
- Details in Appendix G

### Alt 4 – Easement for Fee

- Perpetual flowage easement
- Future use – conservation or electric transmission facilities
- Resource stewardship plans – BMPs; review and approval
- Right of first refusal
- Details in Appendix H

\* All infrastructure shall be constructed, operated, and maintained utilizing **state-of-the-art practices** to eliminate or reduce adverse impacts to wetlands/surface waters and eliminate or reduce injury/mortality of avian and bat species to the maximum extent practicable.





## Alternative 5: Perpetual Flowage Easement on FPL Property

- ❖ NPS would acquire a perpetual flowage easement on FPL's property by purchase, condemnation or donation by FPL. Easement would provide the minimum interest for sufficient flowage to implement Everglades restoration projects.
- ❖ NPS would retain current goal of acquiring this property over the long term.
- ❖ ***Transmission line construction scenario:*** Assumes FPL could construct transmission lines, pads, roads on West Secondary Corridor. Same as alternative 1B, except NPS would acquire an underlying flowage easement.
- ❖ **Scenario is unlikely** based on FPL's withdraw of the West Secondary Corridor from its applications for state and federal permits in late 2013





## Impacts - Alternative 1A: No NPS Action – No FPL Construction

- ❖ This alternative would result in **major long-term adverse impacts** due to the inability to increase water levels in the EEEA and complete planned Everglades ecosystem restoration projects.
- ❖ In the long-term, this would adversely impact most **natural resource topics, visitor use and experience, and wilderness** to a **major level**.
- ❖ It would also have a **major adverse impact** because of the conflict with existing NPS **land use policies** relating to acquisition of the FPL corridor.





## Impacts - Alternative 1B: No NPS Action – FPL Construction in the Park

- ❖ This alternative would have the same adverse effects on natural resources as alternative 1A due to the inability to increase water levels
- ❖ The construction and operation of transmission lines in the FPL corridor within the EEEA, if permitted, would result in **long-term major adverse impacts** on:
  - ❖ hydrology
  - ❖ water quality
  - ❖ soils
  - ❖ vegetation and wetlands
  - ❖ special-status species
  - ❖ visual resources
  - ❖ visitor use and experience
  - ❖ wilderness
  - ❖ adjacent land use/policy
- ❖ Construction of transmission lines in this location would present **high risks to avian species**, in particular the Everglade snail kite and wood stork, due to the proximity of the lines to nesting and foraging locations.





## Impacts - Alternative 2: NPS Acquisition of FPL Land

- ❖ This acquisition alternative would have **long-term benefits** to most resources and values, because it would allow for increased water levels in the EEEA and completion of the planned Everglades ecosystem restoration projects.
- ❖ Transmission lines would be built in an area outside the park east of its boundary; therefore, **impacts on park resources and values would be eliminated or reduced.**
- ❖ Impacts would vary based on the location selected for the corridor, but many impacts considered as major adverse in the park would be reduced to moderate or less in this area.
- ❖ **No major impacts** were identified except for possible conflict with adjacent land use or policies, depending on the location of the corridor.





## Impacts - Alternative 3: Fee for Fee Exchange & Alternative 4: Easement for Fee Exchange

- ❖ Alternatives 3 and 4 would have the same **long-term benefits** as alternative 2 because of the ability to increase water levels and proceed with the planned Everglades ecosystem restoration projects.
- ❖ The construction and continued presence of the transmission lines within the EEEA would result in **long-term major adverse impacts** on:
  - ❖ soils
  - ❖ vegetation and wetlands
  - ❖ wildlife
  - ❖ special-status species
  - ❖ visual resources
  - ❖ adjacent land use/policy
- ❖ Construction under both alternatives would be guided by terms and conditions developed to provide for resource protection. Under alternative 3, these terms and conditions would allow for other utility related uses (pipelines, communication facilities), while alternative 4 would not allow other utility related uses.





## Impacts - Alternative 5: Perpetual Flowage Easement on FPL Property

- ❖ Flowage easement would have the same **long-term benefits** as alternative 2 because the flowage easement would provide for increased water levels and the ability to proceed with the planned Everglades restoration projects.
- ❖ Impacts of transmission line construction, if permitted, would be the same as described for alternative 1B. The construction and operation of transmission lines in the FPL corridor within the EEEA would result in **long-term major adverse impacts** on:
  - ❖ hydrology
  - ❖ water quality
  - ❖ soils
  - ❖ vegetation and wetlands
  - ❖ special-status species
  - ❖ visual resources
  - ❖ visitor use and experience
  - ❖ wilderness
  - ❖ adjacent land use/policy





## Environmentally Preferable Alternative

- ❖ **Analysis of available data and relative impacts made it clear that Alternative 2, the direct acquisition of FPL's property, is the alternative that would cause the least damage to the biological and physical environment and best protects, preserves and enhances historical, cultural and natural resources.**

## NPS Preferred Alternative

- ❖ **NPS does not have a preferred alternative at this time.** We want to obtain public, agency and tribal comments on the alternatives under consideration to help inform this important decision.
- ❖ The Site Certification process for FPL's transmission corridors is nearing completion. We will use any new information from the certification decision and record to assist us in identifying the NPS preferred alternative. A preferred alternative will be identified in the Final EIS.





## **EIS Next Steps**

- ❖ **Public review and comment on DEIS**
  - ❖ **January 17, 2014 – March 18, 2014**
- ❖ **Respond to comments & prepare Final EIS**
  - ❖ **Spring - Autumn 2014**
- ❖ **Record of Decision**
  - ❖ **December 2014**





## How to Comment

- ❖ **Complete the comment form.** Leave it with us before you go or return it to us by mail.
- ❖ **Provide verbal comments during the public hearing.**  
All comments recorded during the public hearing will be considered official public comments on the Draft EIS.
- ❖ **Submit comment electronically at:**  
<http://parkplanning.nps.gov/ever>
- ❖ **Submit written comments by mail**  
(address on comment form)





## Public Hearing

