



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401

February 13, 2003

Mr. Andrew Kugler
Rules Review and Directives Branch
United States Nuclear Regulatory Commission
Mail Stop T6-D59
Washington, D.C. 20555-0001

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Re: Surry Power Plant License Renewal

Dear Mr. Kugler:

This responds to your submittal of a biological assessment report, dated November 6, 2002, pertaining to the renewal of an operating license for the Surry Power Plant in Surry County, Virginia. The bald eagle (*Haliaeetus leucocephalus*), a federally threatened species, occupies forested habitat between the power plant and the James River for nesting and year round foraging. We have reviewed the information you have enclosed and are providing comments in accordance with Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*)

As described in your cover letter the proposed action, a permit renewal, would include the continued operation and maintenance of the existing facilities at the power station site and the transmission corridor between Units 1 and 2. You also stated that no new construction or onsite disturbance will occur as a result of the license renewal.

Eagle nesting surveys conducted in 2002 by biologists with the Virginia Department of Game and Inland Fisheries and the Center for Conservation Biology at the College of William and Mary, have determined that at least four active bald eagle nests occur near the plant and the peninsula encompassing Hog Island. Three of these nests, as described in your biological assessment, are located between one and two miles from the plant. A fourth nest, located closer to the plant, may no longer be intact as observers could not relocate the nest structure. The forested peninsula is currently characterized as a foraging area for as many as 50 non-breeding eagles during the summer and winter periods. The Service believes that the configuration of the forested shoreline along the James River will attract more eagles and may become a communal roosting area for bald eagles in the upcoming years. Since the new permit license will not take effect until 2012, nine years from now, the Service cannot predict what impacts to eagles may occur in the distant future. However, since no land clearing or disturbances will occur as a result

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of the new license renewal and the current management procedures to protect eagles are not likely to change, the Service would expect little disturbance to bald eagles.

We recommend that you conduct annual monitoring of bald eagle activity at the plant facility, inclusive of the Hog Island Tract, and inform representatives with the Virginia Department of Game and Inland Fisheries and the U.S. Fish and Wildlife Service if eagle nests occur within 1,320 feet of the plant facility. If you have any questions or additional concerns, please contact Karen Mayne of the U.S. Fish and Wildlife Service's Virginia Field Office, at 804-693-6694, extension 103.

Sincerely,



John Wolflin,
Supervisor

cc: Attn: Dr. Bryan Watts, Center for Conservation Biology, College of William and Mary
Attn: Karen Mayne, USFWS, Virginia Field Office
Attn: Jeff Cooper, VDGIF

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DEPARTMENT OF THE INTERIOR
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