
DOCKET # 52-008.

RELATED TO NORTH ANNA
EARLY SITE PERMIT APPLICATION.
NOT RELATED TO ANY PART SO
DOCKET.

ANDY KUGLER
X2828



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

JAN -6 2004

Pao-Tsin Kuo
Program Director, License Renewal and Environmental Impacts
Division of Regulatory Improvement Projects
Office of Nuclear Reactor Regulation
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Docket No. 52-008

Dear Mr. Kuo,

This responds to your letter dated December 21, 2003, requesting information on the presence of any federally listed threatened or endangered species and/or designated critical habitat for listed species under the jurisdiction of the National Marine Fisheries Service (NOAA Fisheries) in the vicinity of two sites for potential new nuclear power plants. The US Nuclear Regulatory Commission (NRC) is currently reviewing an application submitted by Dominion Nuclear North Anna LLC for an early site permit for the potential future construction of one or more new nuclear power plants. The preferred alternative for the location of the proposed new power plants is within the site boundaries of the existing North Anna Power Station, located on the south shore of Lake Anna Reservoir in Louisa County, Virginia. One of the alternate sites is within the site boundaries of the existing Surry Power Station located on the south bank of the James River in Surry County, Virginia.

No federally listed or proposed threatened or endangered species under the jurisdiction of NOAA Fisheries are known to exist in the vicinity of the existing North Anna Power Station. However, several threatened and endangered species are known to exist in the Chesapeake Bay, of which the James River is a tributary. While several species of sea turtles are known to be seasonally present in the Chesapeake Bay, none are likely to occur in the vicinity of the Surry Power Station.

The federally endangered shortnose sturgeon (*Acipenser brevirostrum*) is known to be present in the Chesapeake Bay. The NOAA Fisheries recovery plan (1998) indicates that shortnose sturgeon found in the Chesapeake Bay and its tributaries are considered part of the Chesapeake Bay population. The US Fish and Wildlife Service Reward Program for Atlantic Sturgeon began in 1996. Shortnose sturgeon have been incidentally captured via this program. As of spring 2003, fifty-two shortnose sturgeon were captured via the reward program in the Chesapeake Bay and its tributaries -- four from the lower Susquehanna River, two in the Bohemia River, six in the Potomac River, two south of the Bay Bridge near Kent Island, one near Howell Point, one just



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north of Hoopers Island, one in the Elk River and two in Fishing Bay. The remaining shortnose sturgeon were captured in the upper Bay north of Hart-Miller Island. These fish were captured alive in either commercial gillnets, poundnets, fykenets, eel pots, hoop nets, or catfish traps. No critical habitat has been designated for shortnose sturgeon. On October 22, 2003, one shortnose sturgeon was observed in a pre-dredge trawl operation in Thimble Shoals Channel. This capture provides the only concrete evidence of recent shortnose sturgeon presence in the vicinity of the James River. However, the occurrence of shortnose sturgeon in other areas of the Bay suggests that this species is likely present in Virginia waters of the Chesapeake Bay and may be present in the James River. Habitat analysis in the James River has revealed that this river contains suitable spawning habitat for shortnose sturgeon. As such, shortnose sturgeon may be present in the vicinity of the Surry Power Station.

Section 7(a)(2) of the Endangered Species Act (ESA) states that each Federal agency shall, in consultation with the Secretary, insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Because shortnose sturgeon may be present in the vicinity of the Surry Power Station and may be affected by the construction and operation of a new nuclear power project, an action at the Surry site would have to undergo Section 7 consultation. The federal action agency, in this case the NRC, would be responsible for initiating Section 7 consultation. If the Surry Power Station alternative is chosen, please submit a description of the project along with an assessment of the projects impacts on shortnose sturgeon to the attention of the Endangered Species Coordinator, NOAA Fisheries, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. After reviewing this information, NOAA Fisheries will then be able to conduct a consultation under Section 7 of the ESA. If you have any questions or concerns about these comments or about the consultation process in general, please contact Julie Crocker of my staff at (978) 281-9328 ext. 6530.

Sincerely,



Mary A. Colligan
Assistant Regional Administrator
for Protected Resources