



United States Department of the Interior

FISH AND WILDLIFE SERVICE

646 Cajundome Blvd.
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Lafayette, Louisiana 70506
February 5, 2004

RECEIVED

2004 FEB 18 AM 9:21

Rules and Directives
Branch
USNRC

Mr. Pao-Tsin Kuo
U.S. Nuclear Regulatory Commission
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation
Washington, District of Columbia 20555-0001

10/31/03

68 FR 75656

(1)

Dear Mr. Kou:

Please reference your January 8, 2004, letter regarding the application by System Energy Resources, Incorporated for an early site permit for the potential future construction of a nuclear power plant in one or more of the following locations: Port Gibson, Claiborne County, Mississippi; River Bend, West Feliciana Parish, Louisiana; Fitzpatrick, Oswego County, New York; and Pilgrim, Plymouth County, Massachusetts. Your letter requests information regarding threatened and endangered species, as well as environmentally sensitive areas, which may occur within West Feliciana Parish, Louisiana. The requested information will assist in the preparation of the environmental impact statement (EIS) by the U.S. Nuclear Regulatory Commission (NRC). As such, this letter also serves as our input to the Notice of Intent published in the December 31, 2003, Federal Register. Various U.S. Fish and Wildlife Service offices have reviewed the information you provided; pertaining solely to the River Bend Alternative in West Feliciana Parish, Louisiana, the Lafayette Field Office offers the following comments in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

The threatened Louisiana black bear (*Ursus americanus luteolus*) is primarily associated with forested wetlands; however, it utilizes a variety of habitat types, including marsh, spoil banks, and upland forests. Within forested wetlands, black bear habitat requirements include soft and hard mast for food, thick vegetation for escape cover, vegetated corridors for dispersal, large trees for den sites, and isolated areas for refuge from human disturbance. Remaining Louisiana black bear populations occur in the Tensas River Basin, the Upper Atchafalaya River Basin, and coastal St. Mary and Iberia Parishes. The primary threats to the species are continued loss of bottomland hardwoods, fragmentation of remaining forested tracts, and human-caused mortality (e.g., illegal killing and accidental collisions with motor vehicles).

Louisiana black bears, particularly pregnant females, normally den from December through April. In order to avoid disturbance of denning bears and possible abandonment of cubs, the Service recommends that any work in the project area be prohibited during the denning season.

E-RIDS = ADM-03

ack = James Wilson (JHW)

Template = ADM-013

To further protect denning bears, the Service, through the final rule, has extended legal protection to candidate or actual den trees. These are defined in the final rule as bald cypress (*Taxodium distichum*) and tupelo gum (*Nyssa* sp.) with visible cavities, having a diameter at breast height of 36 inches or greater, and occurring in or along rivers, lakes, streams, bayous, sloughs, or other water bodies. If construction is to be performed during the denning season or if bald cypress or tupelo gum with diameters at breast height of 36 inches or greater will be removed or destroyed, further consultation with this office will be necessary.

The pallid sturgeon (*Scaphirhynchus albus*) is an endangered fish found in both the Mississippi and Atchafalaya Rivers (with known concentrations in the vicinity of the Old River Control Structure Complex); it is possibly found in the Red River as well. The pallid sturgeon is adapted to large, free-flowing, turbid rivers with a diverse assemblage of physical habitats that are in a constant state of change. Detailed habitat requirements of this fish are not known, but it is believed to spawn in Louisiana. Habitat loss through river channelization and dams has adversely affected this species throughout its range.

As you may be aware, activities that involve wetlands are regulated by the U.S. Army Corps of Engineers (Corps). We, therefore, recommend that you contact the Corps to determine their interest in the proposed projects.

We appreciate the opportunity to provide these initial comments in the planning stages of this proposed project, and look forward to reviewing the forthcoming draft EIS. If you need further assistance, please contact Angela Culpepper (337/291-3137) of this office.

Sincerely,



Russell C. Watson
Supervisor
Louisiana Field Office

cc: USFWS, Mississippi Ecological Services Office, Jackson, MS
USFWS, New York Ecological Services Office, Cortland, NY
USFWS, New England Ecological Services Office, Concord, NH
Chief, Rules and Directives Branch, USNRC, Washington, D.C.
Corps of Engineers, New Orleans, LA
LDWF, Natural Heritage Program, Baton Rouge, LA