



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, FL 33702
(727) 570-5312, FAX 570-5517
<http://caldera.sero.nmfs.gov>

50-259/260/296

Dear Colleague:

MAR 11 2004

The National Marine Fisheries Service (NOAA Fisheries) Protected Resources Division has reviewed your letter pursuant to section 7(a)(2) of the Endangered Species Act (ESA) concerning letter dated 2/27/04; The NRC is reviewing an application submitted by the Tennessee Valley Authority (TVA) for renewal of the operating licenses for Browns Ferry Nuclear Plants units 1, 2, 3 (BEN).

We cannot determine impacts to threatened or endangered species, or designated critical habitat, under NOAA Fisheries' purview because the letter lacks sufficient information to evaluate the project. Enclosed are guidelines to conduct a proper biological evaluation.

✓ As requested, enclosed is a list of federally-protected species under the jurisdiction of NOAA Fisheries for the state of Alabama. Biological information on federally-protected sea turtles, shortnose and gulf sturgeon, smalltooth sawfish, and other listed species and candidate species can be found at the following website addresses: NOAA Fisheries Southeast Regional Office (<http://caldera.sero.nmfs.gov/protect/protect.htm>); NOAA Fisheries Office of Protected Resources (http://www.nmfs.noaa.gov/prot_res/prot_res.html); U.S. Fish and Wildlife Service (<http://noflorida.fws.gov/SeaTurtles/seaturtle-info.htm>), <http://www.turtles.org>; <http://www.seaturtle.org>; <http://alabama.fws.gov/gs/>; <http://endangered.fws.gov/wildlife.html#Species>; the Ocean Conservancy (<http://www.cmc-ocean.org/main.php3>); the Caribbean Conservation Corporation (<http://www.ccturtle.org/>); Florida Fish and Wildlife Conservation Commission (<http://floridaconservation.org/psm/turtles/turtle.htm>); http://obis.env.duke.edu/data/sp_profiles.php; www.mote.org/~colins/Sawfish/SawfishHomePage.html; www.floridasawfish.com; www.flmnh.ufl.edu/fish/sharks/InNews/sawprop.htm.

It is NOAA Fisheries' opinion that the project will have no effect on listed species or critical habitat protected by the ESA under NOAA Fisheries' purview. No further consultation with NOAA Fisheries pursuant to section 7(a)(2) of the ESA is required. Consultation with NOAA Fisheries, Habitat Conservation Division, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act's requirements for essential fish habitat consultation (16 U.S.C. 1855 (b)(2) and 50 CFR 600.905-.930, subpart K), may be required. Please contact our Habitat Conservation Division at (727) 570-5317.

If you have any questions, please contact the ESA section 7 coordinator, Eric Hawk, at (727) 570-5312, or by e-mail at eric.hawk@noaa.gov.

Sincerely,

David Bernhart
Acting Assistant Regional Administrator
for Protected Resources

✓ Enclosure
File:1514-22.
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I/SER/2004/
AL species list



A105

Endangered and Threatened Species and Critical Habitats
under the Jurisdiction of the National Marine Fisheries Service

Alabama

Listed Species	Scientific Name	Status	Date Listed
Marine Mammals			
blue whale	<i>Balaenoptera musculus</i>	Endangered	12/02/70
finback whale	<i>Balaenoptera physalus</i>	Endangered	12/02/70
humpback whale	<i>Megaptera novaeangliae</i>	Endangered	12/02/70
sei whale	<i>Balaenoptera borealis</i>	Endangered	12/02/70
sperm whale	<i>Physeter macrocephalus</i>	Endangered	12/02/70
Turtles			
green sea turtle	<i>Chelonia mydas</i>	Threatened ⁽¹⁾	07/28/78
hawksbill sea turtle	<i>Eretmochelys imbricata</i>	Endangered	06/02/70
Kemp's ridley sea turtle	<i>Lepidochelys kempii</i>	Endangered	12/02/70
leatherback sea turtle	<i>Dermochelys coriacea</i>	Endangered	06/02/70
loggerhead sea turtle	<i>Caretta caretta</i>	Threatened	07/28/78
Fish			
Gulf sturgeon	<i>Acipenser oxyrinchus desotoi</i>	Threatened	09/30/91

Species Proposed for Listing

None

Designated Critical Habitat

Gulf Sturgeon: Gulf Sturgeon: A final rule designating Gulf sturgeon critical habitat was published on March 19, 2003 (68 FR 13370) and 14 geographic areas (units) among the Gulf of Mexico rivers and tributaries were identified. Maps and details regarding the final rule can be found at alabama.fws.gov/gs

Proposed Critical Habitat

None

Candidate Species⁽²⁾**Scientific Name****Fish**

Alabama shad	<i>Alosa alabamae</i>
dusky shark	<i>Carcharhinus obscurus</i>
Goliath grouper	<i>Epinephelus itajara</i>
night shark	<i>Carcharhinus signatus</i>
saltmarsh topminnow	<i>Fundulus jenkinsi</i>
sand tiger shark	<i>Odontaspis taurus</i>
speckled hind	<i>Epinephelus drummondhayi</i>
Warsaw grouper	<i>Epinephelus nigritus</i>

1. Green turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific Coast of Mexico, which are listed as endangered.

2. Candidate species are not protected under the Endangered Species Act, but concerns about their status indicate that they may warrant listing in the future. Federal agencies and the public are encouraged to consider these species during project planning so that future listings may be avoided.

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NATIONAL MARINE FISHERIES SERVICE
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