



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>

MAR 11 2004

Dear Colleague:

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 2/24/04; 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 (BPN).

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](http://www.nmfs.noaa.gov/prot_res/prot_res.html)); U.S. Fish and Wildlife Service (<http://no.florida.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.cccturtle.org/>); Florida Fish and Wildlife Conservation Commission (<http://floridaconservation.org/psm/turtles/turtle.htm>); [http://obis.env.duke.edu/data/sp\\_profiles.php](http://obis.env.duke.edu/data/sp_profiles.php); [www.mote.org/~colins/Sawfish/SawfishHomePage.html](http://www.mote.org/~colins/Sawfish/SawfishHomePage.html); [www.floridasawfish.com](http://www.floridasawfish.com); [www.flmnh.ufl.edu/fish/sharks/InNews/sawprop.htm](http://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](mailto:eric.hawk@noaa.gov).

Sincerely,

David Bernhart  
Acting Assistant Regional Administrator  
for Protected Resources

✓ Enclosure

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AL species List



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

## Alabama

Listed Species	Scientific Name	Status	Date Listed
<b>Marine Mammals</b>			
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
<b>Turtles</b>			
green sea turtle	<i>Chelonia mydas</i>	Threatened <sup>(1)</sup>	07/28/78
hawksbill sea turtle	<i>Eretmochelys imbricata</i>	Endangered	06/02/70
Kemp's ridley sea turtle	<i>Lepidochelys kempi</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
<b>Fish</b>			
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](http://alabama.fws.gov/gs)

### Proposed Critical Habitat

None

**Candidate Species<sup>(2)</sup>****Scientific Name****Fish**

Alabama shad  
dusky shark  
Goliath grouper  
night shark  
saltmarsh topminnow  
sand tiger shark  
speckled hind  
Warsaw grouper

*Alosa alabamae*  
*Carcharhinus obscurus*  
*Epinephelus itajara*  
*Carcharhinus signatus*  
*Fundulus jenkinsi*  
*Odontaspis taurus*  
*Epinephelus drummondhayi*  
*Epinephelus nigritus*

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**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.