

November 3, 2006

Mr. Michael T. Chezik  
Regional Environmental Officer  
United States Department of the Interior  
Office of the Secretary  
Office of Environmental Policy and Compliance  
Custom House, Room 244  
200 Chestnut Street  
Philadelphia, PA 19106-2904

SUBJECT: REQUEST BY THE U.S. FISH AND WILDLIFE SERVICE FOR A MEMORANDUM  
OF AGREEMENT REGARDING EAGLE MANAGEMENT AT LAKE ANNA

Dear Mr. Chezik:

On August 21, 2006, you provided us with the Department of Interior's comments on the U.S. Nuclear Regulatory Commission's (NRC) NUREG-1811, Supplement to the Draft Environmental Statement for an Early Site Permit (ESP) at the North Anna ESP Site. You stated that "with the exception of the issue discussed in the paragraph below, the Draft Environmental Impact Statement adequately addresses issues of concern to the Department, including those regarding fish and wildlife resources, as well as species protected by the Endangered Species Act." In the subsequent paragraph you recommended that the NRC develop an eagle management plan to protect eagle habitat along sections of the lake shore while allowing development in others. Further, you expressed interest in pursuing a Memorandum of Agreement with the NRC, Virginia Dominion Power, and the Virginia Department of Game and Inland Fisheries (VDGIF) to address eagle management at Lake Anna. As suggested in your letter, we contacted Eric Davis of the U.S. Fish and Wildlife Service's (FWS's) Virginia Field Office and held a conference call with the above parties on September 26, 2006.

The purpose of the call was to discuss the request for a Memorandum of Agreement between FWS and other parties regarding development of an eagle management plan. The participants in the call were: Jack Cushing, NRC, Mike Sackchewsky, Pacific Northwest National Laboratory, Eric Davis, FWS, Tony Banks, Dominion Nuclear North Anna, LLC, and Andrew Zdanik and Jeff Cooper from VDGIF.

FWS confirmed that consultation was completed and that this request was not being made as part of the consultation process. The concern FWS expressed was that with the potential de-listing of the bald eagle, it would no longer be protected under the Endangered Species Act, but would be protected under the Bald and Golden Eagle Protection Act. Mr. Davis, thought that protection of the bald eagle may be more difficult under the Bald and Golden Eagle Protection Act than under the Endangered Species Act, therefore, an eagle management plan at Lake Anna would make protection easier.

Dominion suggested that FWS may want to consider working with Louisa County on its shoreline management guidelines as a possible means to address eagle management around the lake. VDGIF express concern that there may not be funding for VDGIF to work on eagle management once the eagle is delisted, because VDGIF is funded for the protection of endangered species.

The NRC stated that it does consult with the FWS on the eagle under the Endangered Species Act; however, the NRC does not have the regulatory authority to develop or enforce an eagle management plan. Therefore, there is no reason for the NRC to develop such a plan or enter into a memorandum of agreement regarding one.

If you have any further questions regarding the request for a memorandum of agreement, please contact the NRC Environmental Project Manager, Jack Cushing, at 301-415-1424, or JXC9@nrc.gov.

Sincerely,

*/RA/*

Brent Clayton, Acting Chief  
Environmental Projects Branch A  
Division of Site and Environmental Reviews  
Office of New Reactors

Docket No. 52-008

cc: See next page

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Brent Clayton, Acting Chief  
Environmental Projects Branch A  
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OFFICE	LA:DSER/REPA	PM:DSER/REPA	OGC/NLO w/comments	BC(A):DSER/REPA
NAME	M. Viera	J. Cushing	R. Weisman	B. Clayton
DATE	10/06/06	09/28/06	10/20/06	11/03/06

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