



In Reply Refer To:  
07-10213

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

New Jersey Field Office  
Ecological Services  
927 North Main Street, Building D  
Pleasantville, New Jersey 08232  
Tel: 609/646 9310  
Fax: 609/646 0352  
<http://www.fws.gov/northeast/njfieldoffice>



Eric: Jaguacini  
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DEC 28 2006

Pao-Tsin Kuo, Acting Director  
Division of License Renewal  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dear Mr. Pao-Tsin Kuo:

This responds to your December 8, 2006 letter to the U.S. Fish and Wildlife Service (Service) requesting information on the presence of federally listed threatened and endangered species within the area under evaluation for the Hope Creek Nuclear Generating Station (Hope Creek) extended power uprate, Lower Alloways Creek Township, Salem County, New Jersey (TAC No. MC3002).

### AUTHORITY

This response is provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to ensure the protection of federally listed endangered and threatened species. These comments do not address all Service concerns for fish and wildlife resources and do not preclude separate review and comments by the Service pursuant to the December 22, 1993 Memorandum of Agreement among the U.S. Environmental Protection Agency, New Jersey Department of Environmental Protection (NJDEP), and the Service, if project implementation requires a permit from the NJDEP pursuant to the New Jersey Freshwater Wetlands Protection Act (N.J.S.A. 13:9B *et seq.*) or comments pursuant to the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 *et seq.*) if federal authorization is required from the Corps of Engineers; nor do they preclude comments on any forthcoming environmental documents pursuant to the National Environmental Policy Act of 1969 as amended (83 Stat. 852; 42 U.S.C. 4321 *et seq.*).

### FEDERALLY LISTED SPECIES

Pursuant to Section 6 of the ESA, the Service has delegated management responsibility for nesting and foraging bald eagles to the NJDEP, Endangered and Nongame Species Program (ENSP). An active nest is known to occur approximately 3.5 miles from Hope Creek.

Moreover, surrounding areas have been identified as foraging habitat for the bald eagle by the ENSP. The ENSP maintains up-to-date information on bald eagle nesting and foraging areas. Therefore, the Service recommends that the ENSP be contacted at the address below regarding any recommended restrictions to protect foraging bald eagles. The Service will defer to the ENSP regarding restrictions to protect wintering, migrant, and other eagle foraging habitat not associated with a nest site. Should the ENSP determine that foraging eagles will be killed, injured, or harassed by proposed project activities, further coordination with the Service will be required. Please contact the ENSP at:

Ms. Kathleen Clark  
Endangered and Nongame Species Program  
Division of Fish and Wildlife  
2201 Route 631  
Woodbine, New Jersey 08270  
(609) 628-2103

Except for the bald eagle, no other federally listed or proposed endangered or threatened flora or fauna under Service jurisdiction are known to occur on the project site. If additional information on federally listed species becomes available, or if project plans change, this determination may be reconsidered.

#### **OTHER SERVICE COMMENTS**

Please refer to this office's web site at <http://www.fws.gov/northeast/njfieldoffice/Endangered/eslist.htm> for a current list of federally listed species or candidate species in New Jersey. Candidate species are species under consideration by the Service for federal listing. Although candidate species receive no substantive or procedural protection under the ESA, the Service encourages you to consider candidate species in project planning. Please contact Carlo Popolizio of my staff at (609) 383-3938, extension 32, if you have any questions or require further assistance regarding federally listed threatened or endangered species.

Sincerely,

  
John C. Staples  
Assistant Supervisor

**UNITED STATES**  
**DEPARTMENT OF THE INTERIOR**  
FISH AND WILDLIFE SERVICE

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