



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401

May 7, 2008

Harriet Nash
Office of New Reactors
U.S. Nuclear Regulatory Commission
Mail Stop T-6D32
Washington, DC 20555

*RE: Evaluation for the Calvert Cliffs Nuclear Power Plant, Unit 3 Combined License
Partial Application, Calvert County, MD.*

Dear Ms. Nash:

This responds to your letter, received May 2, 2008, requesting information on the presence of species which are federally listed or proposed for listing as endangered or threatened within the above referenced project area. We have reviewed the information you enclosed and are providing comments in accordance with Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

The federally threatened Puritan tiger beetle (*Cicindela puritana*) is known to occur within the vicinity of the above referenced project site. The Puritan tiger beetle occurs along shorelines of the Chesapeake Bay and its tidal tributaries in locations with sandy beaches, often narrow, below high bluffs. The larvae of the beetle live in deep burrows on non-vegetated portions of the bluff face; the adults use both the bluff and the beach below it. Populations have declined due to habitat alterations resulting from shoreline development and shoreline stabilization (bulkheads, revetments, groins, breakwaters). The beetle larvae, in particular, are sensitive to natural and human-induced changes to beaches and bluffs, as well as human traffic and water-borne pollution. Any potential impacts on Puritan tiger beetle habitat should be analyzed as part of your environmental assessment. If such impacts may occur, further Section 7 consultation with the U.S. Fish and Wildlife Service may be required.

The federally threatened northeastern beach tiger beetle (*Cicindela dorsalis dorsalis*) is known to occur within the vicinity of the above referenced project site. This beetle is most vulnerable to disturbance in the larval stage, which lasts two years. Larvae live in vertical burrows generally in the beach intertidal zone, where they are particularly sensitive to destruction by high levels of pedestrian traffic, off-road vehicles, and other factors such as beach changes due to coastal development and beach stabilization structures. Any potential

impacts on northeastern beach tiger beetle habitat should be analyzed as part of your environmental assessment. If such impacts may occur, further Section 7 consultation with the U.S. Fish and Wildlife Service may be required.

We understand that Unistar Nuclear contracted with Dr. Barry Knisley to conduct tiger beetle studies and evaluate potential impacts of the project, resulting in two reports completed in 2006 and 2007. These studies may provide the necessary information to evaluate the proposed project. We look forward to receiving copies of these reports and any other analysis of impacts on tiger beetles that has been done.

Except for occasional transient individuals, no other federally proposed or listed endangered or threatened species are known to exist within the project impact area. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered. This response relates only to federally protected threatened or endangered species under our jurisdiction. For information on the presence of other rare species, you should contact Lori Byrne of the Maryland Wildlife and Heritage Division at (410) 260-8573.

Effective August 8, 2007, under the authority of the Endangered Species Act of 1973, as amended, the U.S. Fish and Wildlife Service (Service) removed (delisted) the bald eagle in the lower 48 States of the United States from the Federal List of Endangered and Threatened Wildlife. However, the bald eagle is still protected by the Bald and Golden Eagle Protection Act, Lacey Act, and the Migratory Bird Treaty Act. As a result, if your project may cause "disturbance" to the bald eagle, please consult the "National Bald Eagle Management Guidelines" dated May 2007. If any planned or ongoing activities cannot be conducted in compliance with the National Bald Eagle Management Guidelines (Eagle Management Guidelines), please contact the Chesapeake Bay Ecological Services Field Office at 410-573-4573 for technical assistance. The Eagle Management Guidelines can be found at: <http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>.

In the future, if your project can not avoid disturbance to the bald eagle by complying with the Eagle Management Guidelines, you will be able to apply for a permit that authorizes the take of bald and golden eagles under the Bald and Golden Eagle Protection Act, generally where the take to be authorized is associated with otherwise lawful activities. This proposed permit process will not be available until the Service issues a final rule for the issuance of these take permits under the Bald and Golden Eagle Protection Act.

An additional concern of the Service is wetlands protection. Federal and state partners of the Chesapeake Bay Program have adopted an interim goal of no overall net loss of the Basin's remaining wetlands, and the long term goal of increasing the quality and quantity of the Basin's wetlands resource base. Because of this policy and the functions and values wetlands perform, the Service recommends avoiding wetland impacts. All wetlands within the project area should be identified, and if construction in wetlands is proposed, the U.S. Army Corps of Engineers, Baltimore District, should be contacted for permit requirements. They can be reached at (410) 962-3670.

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interest in these resources. If you have any questions or need further assistance, please contact Andy Moser at (410) 573-4537.

Sincerely,



Mary J. Ratnaswamy, Ph.D.
Program Supervisor, Threatened and Endangered Species

cc: Lori Byrne, Maryland Wildlife and Heritage Division, Annapolis, MD