PMSTPCOL PEmails

From: Paul Kallan
Sent: Tuesday, May 20, 2008 2:54 PM
To: 'Diediker, Nona H'
Cc: John Fringer; Bruce Olson
Subject: FW: TPWD comments on STP scoping letter
Attachments: STP_Scoping_Comments.pdf; STP_Scoping_Attachment.pdf

fyi

Paul

From: Julie Wicker [mailto:Julie.Wicker@tpwd.state.tx.us]
Sent: Tuesday, May 20, 2008 12:37 PM
To: Paul Kallan
Cc: Amy Hanna; Kathy Boydston; Gloria Garza
Subject: TPWD comments on STP scoping letter

Please see the attached Texas Parks and Wildlife Department comments regarding the proposed application for combined licenses for the South Texas Project, Units 3 and 4 in Matagorda County. These comments are in response to a scoping letter for the creation of an Environmental Impact Statement. A hard copy of this correspondence will be mailed to the following address:

William Burton, Branch Chief
Environmental Projects Branch 1
Division of Site and Environmental Reviews
Office of New Reactors
US Nuclear Regulatory Commission
Washington, D.C. 20555-0001

If you have any questions regarding these comments, please contact Amy Hanna at (361) 576-0022 or Amy.Hanna@tpwd.state.tx.us

Julie C. Wicker
Habitat Assessment Program
Texas Parks and Wildlife Department, Wildlife Division
4200 Smith School Road
Austin, TX 78744

Phone: (512)389-4579
Fax: (512)389-4599
Email: julie.wicker@tpwd.state.tx.us

Tracking:

Recipient	Read
'Diediker, Nona H'	
John Fringer	Read: 5/20/2008 3:09 PM
Bruce Olson	Read: 5/20/2008 3:03 PM

Hearing Identifier: SouthTexas34Public_EX
Email Number: 641

Mail Envelope Properties (88EDD64608FA36499C5AED7AC8B78FB44DA58C3FAF)

Subject: FW: TPWD comments on STP scoping letter
Sent Date: 5/20/2008 2:54:20 PM
Received Date: 5/20/2008 2:54:00 PM
From: Paul Kallan

Created By: Paul.Kallan@nrc.gov

Recipients:
"John Fringer" <John.Fringer@nrc.gov>
Tracking Status:: Response: Read : 5/20/2008 3:09:00 PM
"Bruce Olson" <Bruce.Olson@nrc.gov>
Tracking Status:: Response: Read : 5/20/2008 3:03:00 PM
"'Diediker, Nona H'" <nona.diediker@pnl.gov>
Tracking Status: None

Post Office: HQCLSTR01.nrc.gov

Files	**Size**	**Date & Time**
MESSAGE	1268	5/20/2008 2:54:00 PM
STP_Scoping_Comments.pdf	2669381	
STP_Scoping_Attachment.pdf	2042575	

Options
Priority: Standard
Return Notification: No
Reply Requested: Yes
Sensitivity: Normal
Expiration Date:
Recipients Received:

TEXAS PARKS & WILDLIFE

Life's better outside.™

Commissioners

Peter M. Holt
Chairman
San Antonio

T. Dan Friedkin
Vice-Chairman
Houston

Mark E. Bivins
Amarillo

J. Robert Brown
El Paso

Ralph H. Duggins
Fort Worth

Antonio Falcon, M.D.
Rio Grande City

Karen J. Hixon
San Antonio

Margaret Martin
Boerne

John D. Parker
Lufkin

Lee M. Bass
Chairman-Emeritus
Fort Worth

Carter P. Smith
Executive Director

May 19, 2008

Mr. William Burton, Branch Chief
Environmental Projects Branch 1
Division of Site and Environmental Reviews
Office of New Reactors
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

RE: Proposed application for combined licenses for the South Texas Project, Units 3 and 4, Matagorda County.

Dear Mr. Burton:

The Texas Parks and Wildlife Department (TPWD) has received your request for information regarding potential impacts to threatened and endangered species and for information on other issues of concern relating to the project referenced above. Under §12.0011 of the Texas Parks and Wildlife Code, TPWD is charged with "providing recommendations that will protect fish and wildlife resources to local, state, and federal agencies that approve, permit, license, or construct developmental projects" and "providing information on fish and wildlife resources to any local, state, and federal agencies or private organizations that make decisions affecting those resources." TPWD also responds as the state resource agency under the National Environmental Policy Act (NEPA).

The South Texas Project (STP) has submitted an application for combined licenses (COL) for Units 3 and 4, Matagorda County. The proposed location for the new units is approximately 2,000 feet northwest of the existing STP site. The proposed site is located on approximately 12,200 acres in a rural portion of Matagorda County, approximately 12 miles south-southwest of the city limits of Bay City, Texas, and 10 miles north of Matagorda Bay, along the west bank of the Colorado River. STP plans to utilize the existing power transmission corridors that cross the following counties: Brazoria, Matagorda, Wharton, Fort Bend, Colorado, Fayette, Jackson, Lavaca, Victoria, De Witt, Gonzales, Karnes, Wilson, Guadalupe, Calhoun, Refugio, San Patricio, and Nueces. In addition, STP plans modifications to upgrade two transmission lines on an existing right-of-way. As part of the review of the COL application, the Nuclear Regulatory Commission is preparing an Environmental Impact Statement (EIS).

4200 SMITH SCHOOL ROAD
AUSTIN, TEXAS 78744-3291
512.389.4800
www.tpwd.state.tx.us

Fish and Wildlife Resources

TPWD recommends the EIS include detailed descriptions and analysis for all associated phases of the project relative to the following fish and wildlife concerns:

- Cumulative impacts of this project and other local projects requiring federal approval (as required by NEPA), including the Matagorda Ship Channel Improvement Project and the Lower Colorado River Authority – San Antonio Water System Water Project. Assessment of cumulative impacts should include an increase in traffic, noise, lighting and potential degradation of air quality.
- Potential for facility expansion such as additional units, support facilities and infrastructure, additional or expansion of transmission lines and right-of-ways.
- Amount and types of habitat impacted as well as secondary impacts to all habitats as a result of the proposed project and future expansion(s).
- Direct and cumulative impacts to resident wildlife given their reduced ability to move to other habitat due to the current management practices, such as the presence of a perimeter fence at the site.
- Short and long term impacts to wildlife species due to the modification and upgrades to two transmission lines (i.e., removal or conversion of habitat).
- Potential increase in birds strikes from the proposed new/upgrade aerial electrical transmission lines and proposed measures to reduce avian mortality (i.e., line markers).
- Effects of increased pumping of groundwater on surface water resources and associated ecosystems.
- Compensatory mitigation plan for those impacts that cannot be minimized or avoided.
- Potential wetland impacts and associated compensation plans.
- Dredge Material Management Plan for the barge slip located on the Colorado River including improvements to the existing slip, future dredge material maintenance needs for a minimum of fifty years, and beneficial uses of the material.
- Water Needs Plan detailing the expected amount of water needed to be withdrawn from the Colorado River in order to supply the Main Cooling Reservoir (MCR) with the required makeup water and potential impacts and cumulative impacts to Matagorda Bay from reduced freshwater inflows into the bay.

- Impacts of increased diversions on the ecosystem health of the Colorado River below the intake facility, the Colorado River Delta, and Matagorda Bay, including long term and short term impacts to eggs, larvae, and nekton from impingement and entrainment due to makeup water that would be withdrawn from the Colorado River.
- On-site Storm Water Management Plan.
- The redistribution of contaminated sediments during the construction process of the project and during facility operations.
- Increased wastewater discharges and concomitant impacts on aquatic life, including flow volume and effluent limits for temperature, dissolved solids, and other chemical constituents.
- Impacts of potential increases in return flows from the MCR to the Colorado River on the Colorado River, the Colorado River Delta, and Matagorda Bay.
- Potential impacts of an increased water volume flowing into Little Robin Slough and the downstream impacts to Mad Island Wildlife Management Area freshwater wetlands and levee; the potential for increased seepage from the MCR due to increased head levels.
- Potential effects and impacts to fish and wildlife from exposure to tritium in the MCR and from water released or escaped from the MCR.

Rare Resources

In a letter dated August 3, 2007, STP was provided a review of the Texas Natural Diversity Database (TXNDD). This letter has been attached for your review.

According to the TXNDD, occurrences of threatened or endangered species have been recorded near (within 1.5 miles of) the proposed project.

State Listed Threatened
Bald Eagle (*Halaieetus leucocephalus*)

Species of Concern
Coastal gay-feather (*Liatris bracteata*)
Threeflower broomweed (*Thurovia triflora*)

Special Features
Migratory Songbird Stopover Areas

The TXNDD is intended to assist users in avoiding harm to rare species or significant ecological features. Absence of information in an area does not imply that a species is absent from that area. Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Although it is based on the best data available to TPWD regarding rare species, *the data from the TXNDD do not provide a definitive statement as to the presence, absence or condition of special species, natural communities, or other significant features within your project area*. These data are not inclusive and **cannot be used as presence/absence data**. They represent species that could potentially be in your project area. This information cannot be substituted for on-the-ground surveys. The TXNDD is updated continuously; as your project progresses and for future projects, please contact Dorinda Scott at (512) 912-7023 or txndd@tpwd.state.tx.us for the most current and accurate information.

Determining the actual presence of a species in a given area depends on many variables including daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency and population density (both wildlife and human). The absence of a species can be demonstrated only with great difficulty and then only with repeated negative observations, taking into account all the variable factors contributing to the lack of detectable presence. If encountered during construction, measures should be taken to avoid impacting wildlife.

TPWD recommends review of the most current county lists as other rare species could be present depending upon habitat availability. These lists are now available online at http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered_species.phtml. If during construction, the project area is found to contain rare species, natural plant communities, or special features, TPWD recommends that precautions be taken to avoid impacts to them. The U.S. Fish and Wildlife Service (USFWS) should be contacted for additional species occurrence data, guidance, permitting, survey protocols, and mitigation for federally listed species. For the USFWS rare species lists please visit http://www.fws.gov/southwest/es/EndangeredSpecies/lists/.

Migratory Birds

America's bird population has declined by over half since the 1960's, mainly due to loss of habitat. This project has the potential to impact areas that are important stopover areas for migratory songbirds. The EIS should include a quantification

of these areas, the impacts and compensatory mitigation plan. Please be aware the Migratory Bird Treaty Act provides for a year-round closed season for nongame birds and prohibits the taking of migratory bird nests and eggs, except as permitted by the USFWS.

In order to protect migratory birds, construction activities should occur outside the March–August migratory bird nesting season of each year the project is authorized and last for the life of the project. Construction activities include (but are not limited to) removal of nests or nest structures, tree felling as well as vegetation clearing, trampling, or maintenance. Please contact the USFWS Southwest Regional Office (Region 2) at (505) 248-6879 for further information.

It is undetermined at present what other permits/regulatory processes may be applicable, such as U.S. Army Corps of Engineers Section 10/404. TPWD will be afforded the opportunity to review and comment through these permits processes.

Chapter 86 of the Texas Parks and Wildlife Code places the management, control, and protection of stream bed materials under the authority of the Texas Parks and Wildlife Commission in order to ensure that disturbance of those habitats does not pose a significant threat to aquatic life. Disturbing or taking of materials from a state-owned streambed without a permit is prohibited, and any material removed incurs a charge per cubic yard payable to TPWD. Dredging for the intake may require a Sand, Shell, Gravel and Marl Permit from TPWD; please contact Rollin MacRae at (512) 389-4639 for additional information.

TPWD appreciates the opportunity to work with the Nuclear Regulatory Commission to ensure these projects are developed in the most environmentally sensitive manner as is possible. If you have any questions regarding our comments, please contact Amy Hanna at (361) 576-0022.

Sincerely,

Carter Smith
Executive Director

CS:AH:gg

Attachment

August 3, 2007

TEXAS PARKS & WILDLIFE

COMMISSIONERS

JOSEPH B C FITZSIMONS
CHAIRMAN
SAN ANTONIO

DONATO D RAMOS
VICE CHAIRMAN
LAREDO

MARK E BIVINS
AMARILLO

J ROBERT BROWN
EL PASO

T DAN FRIEDKIN
HOUSTON

NED S HOLMES
HOUSTON

PETER M HOLT
SAN ANTONIO

PHILIP MONTGOMERY
DALLAS

JOHN D PARKER
LUFKIN

LEE M BASS
CHAIRMAN-EMERITUS
FORT WORTH

ROBERT L COOK
EXECUTIVE DIRECTOR

Ms. Sandra Dannhardt
STP Nuclear Operating Company
P.O. B ox 289
Wadsworth, Texas 77483

Dear Ms. Dannhardt:

This letter is in response to your review request and supplemental submittal, dated January 23 and June 14, 2007, for potential impacts to rare, threatened, and endangered species from the proposed South Texas Project (STP) addition of Nuclear Generating Units 3 and 4, a switchyard, material storage facilities and yards, access roads, and parking areas at the STP facility Units 1 and 2 in Matagorda County. The entire project will include temporary impacts to approximately 750 acres, with a permanent loss of approximately 125 acres. The 125 acres loss will consist of land that has been previously disturbed and maintained in that disturbed state.

Based on the project descriptions and when suitable habitat is present, the following species could potentially be impacted by the proposed activities:

Federal and State Listed Threatened
Bald Eagle (*Halaieetus leucocephalus*) (Federal Proposed for Delisting)

State Listed Threatened
Smooth green snake (*Liochlorophis vernalis*)
Timber/Canebrake rattlesnake (*Crotalus horridus*)

Species of Concern
Coastal gay-feather (*Liatris bracteata*)
Threeflower broomweed (*Thurovia triflora*)

Special Features
Migratory Songbird Stopover Areas

As previously indicated by e-mail, records for two nesting/foraging territories for the Bald Eagle have been documented at just over 0.5 and 1 mile northeast of the project site.

ENJOY THE TEXAS OUTDOORS!

Take a kid hunting or fishing

Visit a state park or historic site

Recommendations: STP should annually confirm during the beginning of the eagle nesting season that the construction will be in compliance with its US Fish and Wildlife Service permit. Confirming the location of the season's active nest site should account for eventual shifts in nest location within the territory. TPWD recommends STP attempt to schedule construction activities effecting the north and east sides of the facility, outside of the late October through July eagle breeding season. Annual monitoring results of the eagle activities should be sent to this office in addition to USFWS.

Although surveys should be conducted, please note that determining the actual presence of a species in a given area depends on many variables including daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency and population density (both wildlife and human). The absence of a species can be demonstrated only with great difficulty and then only with repeated negative observations, taking into account all the variable factors contributing to the lack of detectable presence. If encountered during construction, measures should be taken to avoid impacting wildlife.

The data from the Texas Natural Diversity Database (TXNDD) is intended to assist users in avoiding harm to rare species or significant ecological features. Absence of information in an area does not imply that a species is absent from that area. Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Although it is based on the best data available to TPWD regarding rare species, the data from the TXNDD do not provide a definitive statement as to the presence, absence or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive and **cannot be used as presence/absence data**. They represent species that could potentially be in your project area. This information cannot be substituted for on-the-ground surveys by your qualified biologists. The TXNDD is updated continuously, based on new, updated, and previously undigitized information. For future projects, please contact Stephanie.Shelton@tpwd.state.tx.us for the most current TXNDD information.

The survey results indicate that no rare species and few other species were observed during survey activities. Optimal timing of survey activities is necessary for the survey to be considered valid. Although December and February surveys for Bald Eagles could be appropriate, the survey results indicated the February date had strong winds. Many species including birds are much less likely to be active during such inclement weather conditions. Also, reptiles would not likely show activity during winter months, especially a winter day that is cloudy and cool, or windy.

Recommendation: TPWD recommends that monitoring and future survey activities be limited to optimal conditions for the target species or species groups.

The survey results indicate that migratory birds would be minimally impacted in part because similar habitat exists outside of the facility boundaries. However, aerial photography shows that most of the immediately surrounding habitat has been lost or degraded by agriculture, and habitat

to the east is different, grading into a wetter prairie or emergent wetland and then into forested bottomland habitat. The on-site scrub shrub and prairie habitats are important upland sources of food, cover, and especially staging for numerous migratory species.

> Recommendations: Removing only the minimal amount of vegetation from the scrub shrub and prairie habitats necessary to establish and maintain the various storage yards minimize the potential impacts to threatened, endangered, and rare species. Taking special precautions during and after the project to minimize vegetation loss and revegetating disturbed areas after construction with native grasses will help reestablish the natural cover and minimize the potential for invasive weed establishment and help to eventually reestablish the temporarily impacted community types.

Most native bird species may not be disturbed and must be dealt with in a manner consistent with the Migratory Bird Treaty Act (MBTA). The MBTA implicitly prohibits intentional and unintentional take of nearly all native birds, except when authorized under a USFWS permit. Additional information regarding the MBTA may be obtained through the USFWS Region 2 Migratory Bird Permit Office at (505) 248-7882. Additionally, some resident species such as the State Listed Threatened White-tailed Hawk (*Buteo albicaudatus*) may begin nesting earlier (December or January).

> **Recommendation:** Excluding clearing activities during the general bird nesting season, March through August, to avoid adverse impacts to this group. As indicated above, when present, measures should be taken to avoid impacts.

The project description indicates two new generating units will be constructed, but only discusses the direct construction related impacts and does not assess the potential for impacts this will have from any changes resulting from operation of the new units, if any, such as changes in the water temperature near the discharge outlet in the cooling reservoir, changes in water intake and discharge quantity and quality, and additional distribution lines. Such changes could have direct impacts on aquatic fauna, which could potentially have adverse impacts further up the foodchain, for instance loss of benthic organisms0p and fish for the shorebirds known to utilize the site, such as Least Sandpiper, Spotted Sandpiper for foraging, and Gull-billed Tern, Black Skimmer, Forester's Tern for nesting.

> **Recommendations**: If there are no changes planned for these operational items, this should be clarified. If changes are planned, further analysis should be attempted to assess the potential for impacts.

Thank you for the opportunity to comment on this project. Please contact me if you have any questions or need additional assistance (512/912-7021).

Sincerely,

Celeste Brancel, Environmental Review Coordinator
Wildlife Habitat Assessment Program, Wildlife Division
Threatened and Endangered Species

Enclosure

cc: Cherie O'Brien, TPWD Dickenson