



United States Department of the Interior

U. S. FISH AND WILDLIFE SERVICE

7915 BAYMEADOWS WAY, SUITE 200
JACKSONVILLE, FLORIDA 32256-7517

IN REPLY REFER TO:

FWS Log No. 41910-I-0015

October 28, 2008

Progress Energy
Crystal River Nuclear Plant
15760 W. Powerline Street
Crystal River, FL 34428
Attn: Jan Kozyra, Lead Engineer – License Renewal

Dear Mr. James W. Holt:

We received your letter dated September 25, 2008 regarding your request for information on listed species and sensitive habitats in order to assess the impact of the proposed license renewal of the Progress Energy Crystal River Unit 3 (CR-3) in Crystal River, Florida. We provide this response under section 7 of the Endangered Species Act of 1973, (ESA) as amended (16 U.S.C. 1531 *et seq.*).

You have stated that CR-3 is part of a larger Crystal River Energy Complex and that renewal of the CR-3 operating license would not involve any land disturbance, any changes to plant operation, or any modification of the transmission system that connects the plant to the regional electric grid. There are plans to replace the CR-3 steam generators in the fall of 2009, but this will occur before the current operating license expires. These generators would not have been replaced unless there were plans to renew the current license which expires in 2016 and is thus considered a connected action. Continued operation of CR-3 includes the maintenance of the transmission lines over the license renewal period which is 20 years in duration. Transmission lines totaling 130.3 miles are located in Citrus, Marion, Sumter, Hernando, Pasco, and Pinellas Counties. You believe that continued operation of CR-3 would not adversely affect any threatened or endangered species.

As you probably know, the endangered Florida manatee (*Trichechus manatus latirostris*) uses warm water discharges from power generating facilities as a winter refuge in addition to natural warm water springs. The Crystal River has several springs which are important warm water sources for approximately 150 manatees during the winter months and we believe that some manatees do, on occasion, visit your facility as well. If renewal of this license and replacement of the steam generators in CR-3 will result in a decrease in the temperature of discharge waters from this facility and thus result in a potential change to manatee winter use, we suggest that formal consultation under the ESA be requested by the Federal action agency.

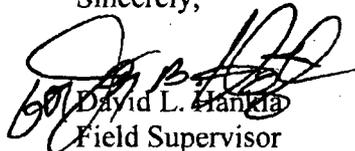
Also, the threatened eastern indigo snake (*Drymarchon corais couperi*) occurs throughout Florida in a variety of habitats, but is known to use gopher tortoise burrows as a refuge. Gopher tortoises will inhabit maintained transmission lines. Therefore, we recommend that maintenance activity associated with transmission lines such as mowing, grubbing, disking, burning etc. be conducted using the *Standard Protection Measures for the Eastern Indigo Snake* (may be obtained from our website, www.fws.gov/northflorida) with the following changes for each numbered measure:

- 1) Per the Standard Conditions with the following changes:
 - * wording should be changed from "construction personnel" to "maintenance personnel";
 - * a protection/education plan needs to be submitted to us for our approval only once to include all transmission line maintenance activity (mowing, grubbing, disking, burning, etc) for the life of the permit until a proposed change in the protection plan is proposed;
 - * informational signs on site are not necessary for a trained crew unless there is more than three individuals working in the same area and they will be working in the same area for more than one day; all subcontracted maintenance personnel must have received the identified training components or a sign must be placed every 100 linear feet on the transmission corridor that has a color photo of the eastern indigo snake and a description of the restriction on take and the potential consequences for take under the law, and a telephone number to report any dead eastern indigo snakes (this must be in a language that all personnel can read);
 - * refer to our website to obtain a telephone number for our North Florida Field Office to report any dead eastern indigo snakes.
- 2) Per the Standard Conditions
- 3) A monitoring report to the Service is not required.

Service approval of the protection/educational plan for the eastern indigo snake is equivalent to a "may affect, not likely to adversely affect" determination for this species and should be made prior to license renewal.

We understand that the U.S. Nuclear Regulatory Commission is the Federal permitting authority and we believe the information we have provided herein will enable them to determine whether the renewal of the license for CR-3 is likely to result in adverse effects to Federally-listed species. If you have any questions, please contact Ms. Linda S. Smith of our St. Petersburg sub-office at 600 Fourth Street South, St. Petersburg, Florida 33701, or by calling (904) 868-4044.

Sincerely,


David L. Hankins
Field Supervisor