



# United States Department of the Interior **FILE COPY**

FISH AND WILDLIFE SERVICE  
Raleigh Field Office  
Post Office Box 33726  
Raleigh, North Carolina 27636-3726

January 29, 2007

Bob Kitchen  
Progress Energy Carolinas, Inc.  
P.O. Box 1551  
Raleigh, NC 27602

Dear Mr. Kitchen:

This letter is in response to your January 10, 2007 letter regarding the proposal to construct and operate two additional nuclear reactor units adjacent to the existing Harris Nuclear Plant in western Wake County, North Carolina. As you know, Section 7 of the Endangered Species Act requires that all federal agencies (such as the Nuclear Regulatory Commission), in consultation with the U.S. Fish and Wildlife Service (Service), ensure that any action federally authorized, funded, or carried out by such agencies is not likely to jeopardize the continued existence of any federally-listed endangered or threatened species. If your project contains suitable habitat for any of the federally-listed species known to be present within Wake, Chatham and Lee counties, the proposed action has the potential to adversely affect those species. As such, we recommend that surveys be conducted to determine the species' presence or absence within the project area. Surveys should incorporate the action area, including any proposed construction areas, the makeup water pipeline route and all areas that lie between the existing flooded area and the proposed 240 foot contour and any other areas that may be flooded by the elevated lake level. If additional transmission lines will be constructed in the future, we will also recommend that the proposed corridors be surveyed for federally listed species. The use of North Carolina Natural Heritage program data should not be substituted for actual field surveys.

A complete list of threatened and endangered species and federal species of concern known from the proposed project area is enclosed. Specifically, we recommend that surveys be conducted for the following federally listed species: bald eagle (*Haliaeetus leucocephalus*), red-cockaded woodpecker (*Picoides borealis*), Cape Fear shiner (*Notropis mekistocholas*), harperella (*Ptilimnium nodosum*), and Michaux's sumac (*Rhus michauxii*). Our web page (<http://www.fws.gov/nc-es/>) contains a complete list of all endangered and threatened species protected by the provisions of the Endangered Species Act, and a list of federal species of concern that are known to occur in each county in North Carolina. In addition to the federally-protected species list, information on the species' life histories and habitats and information on completing a biological assessment or evaluation and can be found on our web page. Please check the web site often for updated information or changes.

With regards to the red-cockaded woodpecker, pine trees equal to or greater than 10" diameter at breast height (dbh) may provide suitable nesting or foraging habitat for the endangered red-

cockaded woodpecker (*Picoides borealis*). If the proposed project will be removing trees of this size, the Service recommends that surveys for active red-cockaded woodpecker cavity trees be conducted in all appropriate habitat as defined in Appendix 4 of the revised recovery plan (USFWS 2003). The revised recovery plan is available on the web at [http://ecos.fws.gov/docs/recovery\\_plans/2003/030320.pdf](http://ecos.fws.gov/docs/recovery_plans/2003/030320.pdf). If red-cockaded woodpeckers are observed within one-half mile of the project area or active cavity trees are found, the project has the potential to affect the red-cockaded woodpecker, and you should contact this office for further information.

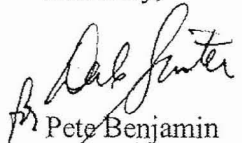
Regarding the Cape Fear Shiner, we have concerns that the proposed water makeup withdrawal from the Cape Fear River may harm or kill this species, transport it to Harris Lake or dewater its habitat in the Cape Fear River. Please consider these concerns and address them in future environmental documents.

Please note that field surveys for federally protected plant species such as Michaux's sumac and harperella should be conducted during the appropriate time of year when these species are readily identifiable. For more information regarding the optimal survey windows for listed species, please visit our web page: [http://www.fws.gov/nc-es/plant/plant\\_survey.html](http://www.fws.gov/nc-es/plant/plant_survey.html).

Once surveys are completed, a biological assessment or evaluation may be prepared in order to determine whether additional consultation with the Service is necessary. If you determine that the proposed action may affect (i.e., likely to adversely affect or not likely to adversely affect) a federally-protected species, you should notify this office with your determination, the results of your surveys, survey methodologies, and an analysis of the effects of the action on listed species, including consideration of direct, indirect, and cumulative effects, before conducting any activities that might affect the species. If you determine that the proposed action will have no effect (i.e., no beneficial or adverse, direct or indirect effect) on federally listed species, then you are not required to contact our office for concurrence, unless an Environmental Impact Statement is required for your project. However, you should maintain a complete record of the assessment, including steps leading to your determination of effect, the qualified personnel conducting the assessment, habitat conditions, site photographs, and any other related articles.

Thank you for the opportunity to provide comments on this project during this scoping phase. We look forward to continued coordination as the project develops. If you have any questions or comments, please contact Mr. Dale Suiter at (919) 856-4520, extension 18.

Sincerely,

  
Pete Benjamin  
Field Supervisor

Enclosure