



Nuclear Regulatory Commission
 Exhibit # - NRC000018-00-BD01
 Docket # - 05200011
 Identified: 03/16/2009

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 Rejected:

Withdrawn:
 Stricken:

RULES AND DIRECTIVES
 BRANCH
 USIFC

2006 NOV -7 PM 4: 01



NRC000018
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
 263 13th Avenue South
 St. Petersburg, FL 33701
 (727) 824-5312, Fax 824-5309
<http://sero.nmfs.noaa.gov>

10/15/06
 71FR 58882
 (15)

RECEIVED

OCT 24 2006

Dear Colleague:

Pursuant to section 7(a)(2) of the Endangered Species Act (ESA), the Protected Resources Division of NOAA's National Marine Fisheries Service (NMFS) has reviewed your letter dated October 12, 2006, concerning an application for an early site permit for the Vogtle ESP site.

There are no ESA-listed species or designated critical habitat under our purview in the action area.

We cannot determine impacts to threatened or endangered species, or designated critical habitat, under NOAA Fisheries purview because the letter lacks sufficient information to evaluate the project.

Enclosed are guidelines to conduct a proper biological evaluation.

Please provide a letter from the lead federal action agency designating you to conduct ESA section 7 consultation with this office.

X Enclosed is a list of federally-protected species under the jurisdiction of NMFS for the states of Alabama and Georgia. Biological information on federally-protected species and candidate species can be found at the following website addresses:
http://www.nmfs.noaa.gov/prot_res/prot_res.html; <http://www.cccturtle.org>;
<http://noflorida.fws.gov/SeaTurtles/seaturtle-info.htm>;
<http://endangered.fws.gov/wildlife.html#Species>; <http://www.cmc-ocean.org/main.php3>;
<http://floridaconservation.org/psm/turtles/turtle.htm>;
http://obis.env.duke.edu/data/sp_profiles.php;
www.mote.org/~colins/Sawfish/SawfishHomePage.html; www.floridasawfish.com;
www.filmnh.ufl.edu/fish/sharks/InNews/sawprop.htm; Gulf sturgeon critical habitat rule and maps (<http://alabama.fws.gov/gsl/>).

It is NMFS' opinion that the project will have no effect on listed species or critical habitat protected by the ESA under NOAA Fisheries purview. No further consultation with NOAA Fisheries pursuant to section 7(a)(2) of the ESA is required unless the project description changes.

Consultation with NMFS' Habitat Conservation Division (HCD), pursuant to the Magnuson-Stevens Fishery Conservation and Management Acts requirements for essential fish habitat consultation, may be required. Please contact HCD at (727) 824-5317. If you have any ESA questions, please contact me at (727) 824-5312 or by e-mail at walt.wilson@noaa.gov.

Sincerely,

 Walt Wilson
 Fisheries Biologist
 Protected Resources Division

Enclosures

File: 1514-22.M

SONSI Review Complete
 Template = ASM-013

ERISS-ASM-03
 Add = M. Notich (MON)
 C. Yverero (exg3)





Endangered and Threatened Species and Critical Habitats
under the Jurisdiction of the NOAA Fisheries Service



Alabama

Listed Species	Scientific Name	Status	Date Listed
Marine Mammals			
blue whale	<i>Balaenoptera musculus</i>	Endangered	12/02/70
finback whale	<i>Balaenoptera physalus</i>	Endangered	12/02/70
humpback whale	<i>Megaptera novaeangliae</i>	Endangered	12/02/70
sei whale	<i>Balaenoptera borealis</i>	Endangered	12/02/70
sperm whale	<i>Physeter macrocephalus</i>	Endangered	12/02/70
Turtles			
green sea turtle	<i>Chelonia mydas</i>	Threatened ¹	07/28/78
hawksbill sea turtle	<i>Eretmochelys imbricata</i>	Endangered	06/02/70
Kemp's ridley sea turtle	<i>Lepidochelys kempii</i>	Endangered	12/02/70
leatherback sea turtle	<i>Dermochelys coriacea</i>	Endangered	06/02/70
loggerhead sea turtle	<i>Caretta caretta</i>	Threatened	07/28/78
Fish			
Gulf sturgeon	<i>Acipenser oxyrinchus desotoi</i>	Threatened	09/30/91

Designated Critical Habitat

Gulf Sturgeon: A final rule designating Gulf sturgeon critical habitat was published on March 19, 2003 (68 FR 13370) and 14 geographic areas (units) among the Gulf of Mexico rivers and tributaries were identified. Maps and details regarding the final rule can be found at alabama.fws.gov/gs

Species Proposed for Listing

None

Proposed Critical Habitat

None

¹ Green turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific Coast of Mexico, which are listed as endangered



Alabama

Candidate Species ²	Scientific Name
None	

Species of Concern ³	Scientific Name
Fish	
Alabama shad	<i>Alosa alabamae</i>
dusky shark	<i>Carcharhinus obscurus</i>
night shark	<i>Carcharhinus signatus</i>
saltmarsh topminnow	<i>Fundulus jenkinsi</i>
sand tiger shark	<i>Carcharias taurus</i>
speckled hind	<i>Epinephelus drummondhayi</i>
Warsaw grouper	<i>Epinephelus nigritus</i>
white marlin	<i>Tetrapturus albidus</i>
Invertebrates	
ivory bush coral	<i>Oculina varicosa</i>

² The Candidate Species List has been renamed the Species of Concern List. The term "candidate species" is limited to species that are the subject of a petition to list and for which NOAA Fisheries Service has determined that listing may be warranted (69 FR 19975).

³ Species of Concern are not protected under the Endangered Species Act, but concerns about their status indicate that they may warrant listing in the future. Federal agencies and the public are encouraged to consider these species during project planning so that future listings may be avoided.



Endangered and Threatened Species and Critical Habitats
under the Jurisdiction of the NOAA Fisheries Service



Georgia

Listed Species	Scientific Name	Status	Date Listed
Marine Mammals			
blue whale	<i>Balaenoptera musculus</i>	Endangered	12/02/70
finback whale	<i>Balaenoptera physalus</i>	Endangered	12/02/70
humpback whale	<i>Megaptera novaengliae</i>	Endangered	12/02/70
right whale	<i>Eubalaena glacialis</i>	Endangered	12/02/70
sei whale	<i>Balaenoptera borealis</i>	Endangered	12/02/70
sperm whale	<i>Physeter macrocephalus</i>	Endangered	12/02/70
Turtles			
green sea turtle	<i>Chelonia mydas</i>	Threatened ¹	07/28/78
hawksbill sea turtle	<i>Eretmochelys imbricata</i>	Endangered	06/02/70
Kemp's ridley sea turtle	<i>Lepidochelys kempii</i>	Endangered	12/02/70
leatherback sea turtle	<i>Dermochelys coriacea</i>	Endangered	06/02/70
loggerhead sea turtle	<i>Caretta caretta</i>	Threatened	07/28/78
Fish			
shortnose sturgeon	<i>Acipenser brevirostrum</i>	Endangered	03/11/67
smalltooth sawfish	<i>Pristis pectinata</i>	Endangered	04/01/03

Designated Critical Habitat

Right whale: Between 31°15'N (approximately the mouth of the Altamaha River, Georgia) and 30°15'N (approximately Jacksonville, Florida) from the coast out to 15 nautical miles offshore; the coastal waters between 30°15'N and 28°00'N (approximately Sebastian Inlet, Florida) from the coast out to 5 nautical miles.

Species Proposed for Listing
None

Proposed Critical Habitat
None

¹ Green turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific Coast of Mexico, which are listed as endangered



Georgia

Candidate Species ²	Scientific Name
None	

Species of Concern ³	Scientific Name
Fish	
Atlantic sturgeon	<i>Acipenser oxyrinchus oxyrinchus</i>
dusky shark	<i>Carcharhinus obscurus</i>
night shark	<i>Carcharhinus signatus</i>
sand tiger shark	<i>Carcharias taurus</i>
speckled hind	<i>Epinephelus drummondhayi</i>
Warsaw grouper	<i>Epinephelus nigritus</i>
white marlin	<i>Tetrapturus albidus</i>

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