



## United States Department of the Interior

FISH AND WILDLIFE SERVICE

Raleigh Field Office

Post Office Box 33726

Raleigh, North Carolina 27636-3726

April 20, 2009

Mr. Donald E. Palmrose, Ph.D.  
Office of New Reactors  
United States Nuclear Regulatory Commission  
Mail Stop T-6D38  
Washington, DC 20555-0001

Re: Shearon Harris Project

Dear Mr. Palmrose,

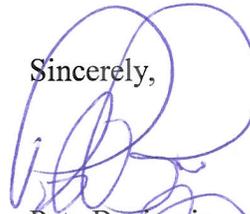
The U.S. Fish and Wildlife Service (Service), has reviewed the information contained in the Environmental Report, for the development of two new reactors at the existing Shearon Harris Nuclear Plant, Chatham and Wake Counties, North Carolina. We also appreciate the phone conversation concerning which endangered species occur near Shearon Harris. This letter is to refine the identification of rare species near the Project and the Cape Fear River as you requested, and clarify the endangered species process, and that our February 8, 2009 letter is not a response to a Draft Environmental Impact Statement. This letter is in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d); and the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531 et. seq.) to be used in your in your public interest review relative to the protection of fish and wildlife resources.

The table sent in your e-mail is correct. There are six fish, and six mollusks identified within each County that are either federally listed, or are recognized as federal species of concern. The table was derived from two County lists, Chatham and Wake Counties. The list for Wake County (enclosed) contains three endangered species, they are the red-cockaded woodpecker, (*Picoides borealis*), Dwarf wedgemussel, (*Alasmidonta heterodon*), and the vascular plant Michaux's sumac, (*Rhus michauxii*). The list for Wake County also has 17 species listed as federal species of concern. The list for Chatham County (enclosed) also contains three endangered species. They are the Cape Fear shiner (*Notropis mekistocholas*), the red-cockaded woodpecker, (*Picoides borealis*), and one vascular plant, Harperella, (*Ptilimnium nodosom*). There are 12 species recognized as federal species of concern listed in Chatham County. Also, the bald eagle (*Haliaeetus leucocephalus*) occurs at the Project and is protected by the Bald and Golden Eagle Protection Act. We have enclosed hard copies of these rare species lists for your convenience.

Also, a list of all federally protected endangered and threatened species in North Carolina is now available on our website at <<http://www.fws.gov/raleigh>. Our web page contains a complete and updated list of federally protected species, and a list of federal species of concern known to occur in each county in North Carolina. Instructions for completing a BA are also available on the website. Typically, applicants or consultants use these lists to prepare a BA which is then sent to our office to initiate consultation under the ESA.

If you have any questions regarding this information, please contact Mr. Mark D. Bowers of my staff at (919) 856-4520 (Ext. 19) or at the above address.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pete Benjamin", is written over the word "Sincerely,".

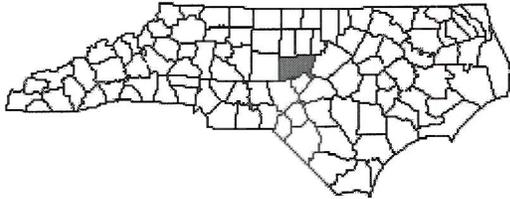
Pete Benjamin,  
Field Supervisor

(enclosures)

## U.S. Fish & Wildlife Service

# Endangered Species, Threatened Species, Federal Species of Concern, and Candidate Species,

## Chatham County, North Carolina



Updated: 01-31-2008

### Critical Habitat Designations:

**Cape Fear shiner - *Notropis mekistocholas*** - Approximately 4.1 miles of the Rocky River from North Carolina State Highway 902 Bridge downstream to Chatham County Road 1010 Bridge; and approximately 0.5 river mile of Bear Creek, from Chatham County Road 2156 Bridge downstream to the Rocky River, then downstream in the Rocky River (approximately 4.2 river miles) to the Deep River, then downstream in the Deep River (approximately 2.6 river miles) to a point 0.3 river mile below the Moncure, North Carolina, U.S. Geological Survey Gaging Station. Constituent elements include clean streams with gravel, cobble, and boulder substrates with pools, riffles, shallow runs and slackwater areas with large rock outcrops and side channels and pools with water of good quality with relatively low silt loads.

**Federal Register Reference:** September 25, 1987, Federal Register, 2: 36034-36039.

Common Name	Scientific name	Federal Status	Record Status
<b>Vertebrate:</b>			
American eel	<i>Anguilla rostrata</i>	FSC	Current
Bachman's sparrow	<i>Aimophila aestivalis</i>	FSC	Current
<u>Bald eagle</u>	<i>Haliaeetus leucocephalus</i>	BGPA	Current
<u>Cape Fear shiner</u>	<i>Notropis mekistocholas</i>	E	Current
Carolina darter	<i>Etheostoma collis lepidinion</i>	FSC	Current
Carolina redbhorse	<i>Moxostoma</i> sp. 2	FSC	Current
<u>Red-cockaded woodpecker</u>	<i>Picoides borealis</i>	E	Historic

**Invertebrate:**

Atlantic pigtoe	<i>Fusconaia masoni</i>	FSC	Current
Brook floater	<i>Alasmidonta varicosa</i>	FSC	Current
Carolina creekshell	<i>Villosa vaughaniana</i>	FSC	Current
Septima's clubtail	<i>Gomphus septima</i>	FSC	Current
Yellow lampmussel	<i>Lampsilis cariosa</i>	FSC	Current

**Vascular Plant:**

Buttercup phacelia	<i>Phacelia covillei</i>	FSC	Current
<u>Harperella</u>	<i>Ptilimnium nodosum</i>	E	Current
Sweet pinesap	<i>Monotropsis odorata</i>	FSC	Current
Virginia quillwort	<i>Isoetes virginica</i>	FSC	Historic

**Nonvascular Plant:****Lichen:****Definitions of Federal Status Codes:**

E = endangered. A taxon "in danger of extinction throughout all or a significant portion of its range."  
 T = threatened. A taxon "likely to become endangered within the foreseeable future throughout all or a significant portion of its range."

C = candidate. A taxon under consideration for official listing for which there is sufficient information to support listing. (Formerly "C1" candidate species.)

BGPA = Bald and Golden Eagle Protection Act. See below.

FSC = federal species of concern. A species under consideration for listing, for which there is insufficient information to support listing at this time. These species may or may not be listed in the future, and many of these species were formerly recognized as "C2" candidate species.

T(S/A) = threatened due to similarity of appearance. A taxon that is threatened due to similarity of appearance with another listed species and is listed for its protection. Taxa listed as T(S/A) are not biologically endangered or threatened and are not subject to Section 7 consultation. See below.

EXP = experimental population. A taxon listed as experimental (either essential or nonessential).

Experimental, nonessential populations of endangered species (e.g., red wolf) are treated as threatened species on public land, for consultation purposes, and as species proposed for listing on private land.

P = proposed. Taxa proposed for official listing as endangered or threatened will be noted as "PE" or "PT", respectively.

**Bald and Golden Eagle Protection Act (BGPA):**

In the July 9, 2007 Federal Register( 72:37346-37372), the bald eagle was declared recovered, and removed (de-listed) from the Federal List of Threatened and Endangered wildlife. This delisting took effect August 8, 2007. After delisting, the Bald and Golden Eagle Protection Act (Eagle Act) (16 U.S.C. 668-668d) becomes the primary law protecting bald eagles. The Eagle Act prohibits take of bald and golden eagles and provides a statutory definition of "take" that includes "disturb". The USFWS has developed National Bald Eagle Management Guidelines to provide guidance to land managers, landowners, and others as to how to avoid disturbing bald eagles. For more information, visit <http://www.fws.gov/migratorybirds/baldeagle.htm>

**Threatened due to similarity of appearance(T(S/A)):**

In the November 4, 1997 Federal Register (55822-55825), the northern population of the bog turtle (from New York south to Maryland) was listed as T (threatened), and the southern population (from Virginia south to Georgia) was listed as T(S/A) (threatened due to similarity of appearance). The T(S/A) designation bans the collection and interstate and international commercial trade of bog turtles from the southern population. The T(S/A) designation has no effect on land management activities by private landowners in North Carolina, part of the southern population of the species. In addition to its official status as T(S/A), the U.S. Fish and Wildlife Service considers the southern population of the bog turtle as a Federal species of concern due to habitat loss.

**Definitions of Record Status:**

Current - the species has been observed in the county within the last 50 years.

Historic - the species was last observed in the county more than 50 years ago.

Obscure - the date and/or location of observation is uncertain.

Incidental/migrant - the species was observed outside of its normal range or habitat.

Probable/potential - the species is considered likely to occur in this county based on the proximity of known records (in adjacent counties), the presence of potentially suitable habitat, or both.

## U.S. Fish & Wildlife Service

# Endangered Species, Threatened Species, Federal Species of Concern, and Candidate Species,

## Wake County, North Carolina



Updated: 01-31-2008

Common Name	Scientific name	Federal Status	Record Status
<b>Vertebrate:</b>			
American eel	<i>Anguilla rostrata</i>	FSC	Current
Bachman's sparrow	<i>Aimophila aestivalis</i>	FSC	Historic
<u>Bald eagle</u>	<i>Haliaeetus leucocephalus</i>	BGPA	Current
Carolina darter	<i>Etheostoma collis lepidinion</i>	FSC	Probable/potential
Carolina madtom	<i>Noturus furiosus</i>	FSC	Current
Pinewoods shiner	<i>Lythrurus matutinus</i>	FSC	Current
<u>Red-cockaded woodpecker</u>	<i>Picoides borealis</i>	E	Historic
Roanoke bass	<i>Ambloplites cavifrons</i>	FSC	Current
Southeastern myotis	<i>Myotis austroriparius</i>	FSC	Historic
Southern hognose snake	<i>Heterodon simus</i>	FSC	Obscure
<b>Invertebrate:</b>			
Atlantic pigtoe	<i>Fusconaia masoni</i>	FSC	Current
Diana fritillary (butterfly)	<i>Speyeria diana</i>	FSC	Current
Dwarf wedgemussel	<i>Alasmidonta heterodon</i>	E	Current
Green floater	<i>Lasmigona subviridis</i>	FSC	Current
Yellow lance	<i>Elliptio lanceolata</i>	FSC	Current
<b>Vascular Plant:</b>			
Bog spicebush	<i>Lindera subcoriacea</i>	FSC	Current
Grassleaf arrowhead	<i>Sagittaria weatherbiana</i>	FSC	Historic
<u>Michaux's sumac</u>	<i>Rhus michauxii</i>	E	Current
Sweet pinesap	<i>Monotropsis odorata</i>	FSC	Historic

Virginia least trillium	<i>Trillium pusillum</i> var. <i>virginianum</i>	FSC	Current
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Table of Possible Species of Special Concern to the US FWS near the Shearon Harris Nuclear Power Plant site

Locations: Chatham and Wake Counties in North Carolina

Common Name	Scientific name	Federal Status	Record Status
<b>Fish</b>			
American eel	<i>Anguilla rostrata</i>	FSC	Current
Carolina darter	<i>Etheostoma collis lepidinion</i>	FSC	Probable/potential
Carolina madtom	<i>Noturus furiosus</i>	FSC	Current
Roanoke bass	<i>Ambloplites cavifrons</i>	FSC	Current
Pinewoods shiner	<i>Lythrurus matutinus</i>	FSC	Current
Carolina redbreast	<i>Moxostoma sp. 2</i>	FSC	Current
<b>Mollusk</b>			
Atlantic pigtoe	<i>Fusconaia masoni</i>	FSC	Current
Brook floater	<i>Alasmidonta varicosa</i>	FSC	Current
Carolina creekshell	<i>Villosa vaughaniana</i>	FSC	Current
Green floater	<i>Lasmigona subviridis</i>	FSC	Current
Yellow lance	<i>Elliptio lanceolata</i>	FSC	Current
Yellow lampmussel	<i>Lampsilis cariosa</i>	FSC	Current

Based on information from the <http://www.fws.gov/nc-es/es/countyfr.html> website last updated on January 31, 2008.