



DEPARTMENT OF THE ARMY  
GALVESTON DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 1229  
GALVESTON TX 77553-1229

August 10, 2009

Policy Analysis Section

SUBJECT: Cooperating Agency Scoping Request for South Texas Project Electric Generating Station Units 3 and 4

Ms. Jessie Muir  
Office of New Reactors  
Nuclear Regulatory Commission  
Mail Stop T7-E30  
Washington, DC 20555-0001

Dear Ms. Muir:

This concerns the U.S Army Corps of Engineers, Galveston District (Corps or District) preliminary review of the proposed Draft Environmental Impact Statement for a Combined License (COL) for South Texas Project Electric Generating Station Units 3 and 4 (DEIS). The U.S Nuclear Regulatory Commission (NRC) is the lead Federal agency in preparation of the Environmental Impact Statement (EIS). The proposed project is located at the existing South Texas Project, south of Bay City, along the Colorado River in Matagorda County, Texas.

Scoping Comments

This section is a discussion of issues directly related to the DEIS. The District's intent in this section is to provide the NRC with the basis for and recommendations of modifications and additions to the DEIS. The District understands that the NRC may not have been provided information from the applicant pertaining to these recommendations. The District would like to participate in this process of requesting additional information to the extent that our resources are available.

Purpose and Need

The Corps is required to consider and express the proposed action's underlying purpose and need from a public interest perspective. This provides context and criteria for the development and screening of alternatives to the proposed action and evaluation of "practicable" alternatives that may have fewer impacts on wetlands and waters of the United States regulated under the Clean Water Act and Rivers and Harbors Act of 1899. The purpose of the proposed action should be a description of the primary goals the project is expected to attain and the need of the proposed action should contain a description of the unsatisfactory conditions that currently exist or are expected to exist. The applicant has stated the purpose of the project is to provide for additional baseload electrical generating capacity. However, the need for this additional baseload electrical generating capacity to meet expected demand is not clearly indicated in the current statement.

The District considers the addition of a clear and concise need statement in Chapter 1 of the preliminary DEIS as further support of the analysis of the alternative energy sources section and the need for energy chapter already being drafted. The inclusion of this statement, in combination with the alternative analysis, will help the District identify the Least Environmentally Damaging Practicable Alternative for portions of the proposed action that are not water dependent.

#### Alternative Analysis

The Corps is neither an opponent nor a proponent of the applicant's proposal; therefore, the applicant's final proposal will be identified as the "applicant's preferred alternative" and the Corps will limit the decision options to: issue the permit; issue with modifications or with conditions; or deny the permit. In order to embrace all of the applicant's alternatives, the District requires the applicant to include a "no action" alternative that results in no construction requiring a Corps permit. This may be brought by (1) the applicant electing to modify the proposed action to eliminate work under the jurisdiction of the Corps or (2) by the denial of the Corps permit. In addition, the Corps requires the applicant's alternatives to include geographic alternatives. This analysis shall be evaluated by assessing (1) an "on-site" alternative with construction modifications that avoids and minimizes impacts to waters of the United States to the most practicable extent or as Corps permit denial and (2) a feasible "off-site" alternative that accomplished the applicant's underlying purpose and need of the project.

The District understands that the NRC and the applicant are working on identifying additional alternatives, including feasible on-site and off-site alternatives. The District would like to participate in this process to the extent that our resources are available.

The District has reviewed Chapter 9, Section 2 Energy Alternatives of the preliminary DEIS and has some concerns about the conclusions made on the potential impacts to aquatic resources by coal fire plants and wind power discussed in the Ecology subsection. The District is concerned that the additional impacts to aquatic resources caused by the addition of a rail line, coal handling facilities, waste disposal, and coal mining associated with coal fire plants may result in greater than moderate ecological impacts to aquatic resources, including navigable waters and wetlands. The District is also concerned that the unknown affects of sighting a wind farm within the Trans-Gulf Migratory Flyway, of which 40% of North American avian species migrate through, is being underestimated by categorizing its use in a combined power source evaluation as having a small to moderate ecological effect. Therefore, the District requests the NRC re-evaluate the proposed impacts of coal fire plants and wind power on aquatic resources in the ecological sections of the alternative analysis chapter.

### Scope of Analysis

The applicant has proposed a specific activity requiring a Corps permit which is merely one component of a larger project. While the construction site has been evaluated by the Corps to identify waters of the United States, including wetlands, the transmission lines have not been reviewed. The current description of the proposed action along the transmission line in the DEIS indicates that some improvements to transmission lines and towers may be required to accommodate the increase in power generation resulting from the addition of two new reactors. While the transmission line exists within an established right-of-way, the potential for waters of the United States, both navigable and non-navigable, to be impacted by these upgrades exists.

The District generally considers transmission lines owned and maintained by others to have separate utility from the proposed action, and their review is not required as a direct impact. The District does, however, consider the proposed improvements to the transmission lines to be connected actions requiring they be discussed in the preliminary DEIS.

### Requests for Additional Information

The decision whether to issue a permit is based on an evaluation of direct, indirect and cumulative impacts of the proposed action. To conduct that evaluation, the Corps requires specific data and information necessary for the preparation of the required public notice and environmental documentation. The purpose of this section is to inform the NRC of information the Corps is in need of to properly conduct this evaluation and documentation.

### Project Plans and Description

The Corps is uncertain as to the proposed impacts to waters of the United States. A permit determination was completed in June 2009 that concluded the proposed activity would require a Corps permit pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. It is the Corps' understanding that subsequent to this determination, the applicant's proposed impacts to waters of the United States have been modified. Therefore, the Corps requires a detailed description and appropriate plan drawings of the proposed impacts to waters of the United States so that the Corps may conduct a proper evaluation of the project.

Information required includes, but may not be limited to; (1) A plan and elevation drawing showing the general and specific site location and character of all proposed activities, including the size relationship of the proposed structures to the size of the impacted waterway and depth of water in the area drawings of the proposed construction and their impacts to waters of the United States; (2) a description of the type, composition and quantity of the material to be dredged, the method of dredging, and the site and plans for disposal of the dredged material; (3) source of the fill material; the purpose of the discharge, a description of the type, composition and quantity of the material; the method of transportation and disposal of the material; and (4) a statement describing how impacts to waters of the United States are to be avoided and minimized and either a statement describing how impacts to waters of the United States are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts to waters of the United States.

#### Assessment of Function of Waters of the United States

The discharge of dredged or fill material can result in the loss or change of the physical, chemical and biological processes that occur in aquatic resources. This includes the loss and fragmentation of breeding and nesting areas, escape cover, travel corridors, and preferred food sources for resident and transient wildlife species, such as resident and transient mammals, birds, reptiles, and amphibians, associated with the aquatic ecosystem.

The Corps regulations require appropriate and practicable compensatory mitigation to replace functional losses to aquatic resources. Where appropriate, the use of a functional assessment to determine loss of aquatic function and compensatory mitigation requirements is preferred.

The Corps requires more detailed information on the location, size, type, functions and amount of impact to aquatic and other resources such as aquatic insects and amphibians. This information will assist the Corps in its permit evaluation and environmental documentation of the proposed actions and its alternatives and help ensure that the ecological functions included in the 404 (b)(1) Guidelines are fully considered.

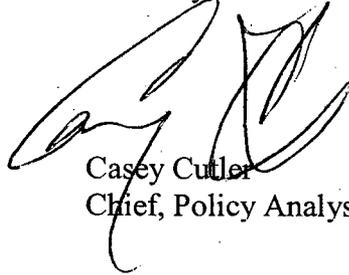
#### Cumulative Effects Assessment

During the evaluation of a proposed action, the Corps assesses the activity's impact, including its cumulative impacts on the public interest. All factors relevant to the work are considered including the cumulative effects of similar actions on resources such as general environmental concerns, wetlands, fish and wildlife values, navigation and water quality.

The Corps requires information on the indirect and cumulative impacts of this and similar projects on the surrounding natural resources to complete its evaluation and environmental documentation. The Corps generally looks at cumulative effects in a geographic region of the watershed or ecoregion in which the direct impacts occur. In addition to the incremental loss of aquatic resources within the region, the Corps evaluates the cumulative impacts projects have on navigation, recreation boating, coastal prairie, stream, automobile traffic, wildlife and avian species as well threatened and endangered species.

If you have any questions, please contact Mr. Jayson M. Hudson at the letterhead address or by telephone at 409-766-3108 or email at [jayson.m.hudson@usace.army.mil](mailto:jayson.m.hudson@usace.army.mil).

Sincerely,



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