



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401
410/573-4575



February 25, 2010

Mr. Robert G. Schaaf
United States
Nuclear regulatory commission
Washington, D.C. 20555-0001

*RE: New alternative sites in Maryland for Calvert cliffs Nuclear Power Plant Unit 3:
Bainbridge Naval Training Facility site, Cecil County; Thiokol site, St. Mary's County;
Eastalco site, Frederick County.*

Dear Robert G. Schaaf:

This responds to your letter, received November 16, 2009, requesting information on the presence of species which are federally listed or proposed for listing as endangered or threatened within the above referenced project areas and your February 12, 2010, request for more specific information concerning these alternative sites. We have reviewed the information you enclosed and are providing comments in accordance with section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

The federally threatened bog turtle (*Clemmys muhlenbergii*) may be present within the project area or within the vicinity of the Bainbridge Naval Training Facility site. Bog turtles primarily inhabit palustrine wetlands comprised of a muddy bottom or shallow water, and tussocks of vegetation. A survey for bog turtle habitat and bog turtles may be appropriate. These surveys should be conducted at any location where the Maryland Wildlife and Heritage Division recommends. Upon completion, survey reports should be forwarded to both the Service and the Maryland Wildlife and Heritage Division for review. If you have not already sent a copy of your request for threatened and endangered species information to the Maryland Department of Natural Resources Wildlife and Heritage Division (580 Taylor Avenue, E-1, Annapolis MD 21401), please do so. Ms. Lori Byrne of the Wildlife and Heritage Division will provide additional information regarding the need for surveys and a list of experts who are qualified to perform such surveys.

The Federally endangered dwarf wedge mussel (*Alasmodonta heterodon*) may be present within the area affected by the development of the Thiokol site. This freshwater mussel occurs in McIntosh Run and may be affected by changes in flow or water quality in tributary streams which originate near the Thiokol site.

Except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the vicinity of the Eastalco site.. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

This response relates only to federally protected threatened or endangered species under our jurisdiction. For information on the presence of other rare species, you should contact Lori Byrne of the Maryland Wildlife and Heritage Division at (410) 260-8573.

Effective August 8, 2007, under the authority of the Endangered Species Act of 1973, as amended, the U.S. Fish and Wildlife Service (Service) removed (delist) the bald eagle in the lower 48 States of the United States from the Federal List of Endangered and Threatened Wildlife. However, the bald eagle will still be protected by the Bald and Golden Eagle Protection Act, Lacey Act and the Migratory Bird Treaty Act. As a result, starting on August 8, 2007, if your project may cause "disturbance" to the bald eagle, please consult the "National Bald Eagle Management Guidelines" dated May 2007.

If any planned or ongoing activities cannot be conducted in compliance with the National Bald Eagle Management Guidelines (Eagle Management Guidelines), please contact the Chesapeake Bay Ecological Services Field Office at 410-573-4573 for technical assistance. The Eagle Management Guidelines can be found at:

<http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>

In the future, if your project can not avoid disturbance to the bald eagle by complying with the Eagle Management Guidelines, you will be able to apply for a permit that authorizes the take of bald and golden eagles under the Bald and Golden Eagle Protection Act, generally where the take to be authorized is associated with otherwise lawful activities. This proposed permit process will not be available until the Service issues a final rule for the issuance of these take permits under the Bald and Golden Eagle Protection Act.

An additional concern of the Service is wetlands protection. Federal and state partners of the Chesapeake Bay Program have adopted an interim goal of no overall net loss of the Basin's remaining wetlands, and the long term goal of increasing the quality and quantity of the Basin's wetlands resource base. Because of this policy and the functions and values wetlands perform, the Service recommends avoiding wetland impacts. All wetlands within the project area should be identified, and if construction in wetlands is proposed, the U.S. Army Corps of Engineers, Baltimore District, should be contacted for permit requirements. They can be reached at (410) 962-3670.

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interest in these resources. If you have any questions or need further assistance, please contact Andy Moser at (410) 573-4537.

Sincerely,


For Leopoldo Miranda
Field Supervisor

cc: Lori Byrne, Maryland Wildlife and Heritage Division, Annapolis, MD