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From: martinez, shirley [Shirley_Martinez@ios.doi.gov]
Sent: Wednesday, October 20, 2010 2:25 PM
To: Comanche COLEIS Resource
Subject: DEIS, NUREG-1943, for the COLs for Comanche Peak Nuclear Power Plant, Units 3 and 4, TX
Attachments: ER10697.pdf

Attached is the comment letter provided by the U.S. Department of the Interior. Please respond with an indication that you have received it for our records. Thank you!

Shirley G. Martinez
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Federal Register Notice: 75FR48998
Comment Number: 54

Mail Envelope Properties (8678FB492E12F242855821C68A3F0341059EF58342)

Subject: DEIS, NUREG-1943, for the COLs for Comanche Peak Nuclear Power Plant, Units 3 and 4, TX
Sent Date: 10/20/2010 2:24:57 PM
Received Date: 10/20/2010 2:25:34 PM
From: martinez, shirley

Created By: Shirley_Martinez@ios.doi.gov

Recipients:
"Comanche COLEIS Resource" <ComancheCOLEIS.Resource@nrc.gov>
Tracking Status: None

Post Office: IIAABQEXCHANGE.ia.doi.net

Files	**Size**	**Date & Time**
MESSAGE	459	10/20/2010 2:25:34 PM
ER10697.pdf	59133	

Options
Priority: Standard
Return Notification: Yes
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Expiration Date:
Recipients Received:

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
1001 Indian School Road NW, Suite 348
Albuquerque, New Mexico 87104

ER 10/697
File 9043.1

October 20, 2010

Chief, Rulemaking and Directives Branch
Office of Administration
Mailstop TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Draft Environmental Impact Statement (DEIS), NUREG-1943, for the Combined Licenses for Comanche Peak Nuclear Power Plant, Units 3 and 4, Hood and Somerville Counties, Texas

Dear Sir/Madam:

The U.S. Department of the Interior is providing the following comments in response to the subject DEIS and to assist in assessing and avoiding impacts to federally listed species, wetlands, and other fish and wildlife resources.

The DEIS indicates that the endangered black-capped vireo (*Vireo atricapillus*) and golden-cheeked warbler (*Dendroica chrysoparia*) may occur within Hood and Somervell Counties. A relatively small patch of potentially suitable golden-cheeked warbler habitat exists within a portion of the project site near the reservoir shoreline. On February 2, 2009, U.S. Fish and Wildlife Service personnel and Comanche Peak Nuclear Power Plant facility staff visited the project area to assess habitat suitability. During this site visit, habitat patch size was determined to be too small and distant from other suitable habitat to be likely to support golden-cheeked warblers. Likewise, the vegetation present consisted almost entirely of ashe juniper (*Juniperus asheii*) with few necessary hardwood trees present.

The DEIS also indicated that, depending on the final route ultimately selected, the Whitney transmission line right-of-way associated with this project could pass through habitat occupied by black-capped vireos and/or golden-cheeked warblers. The FWS recommends a qualified biologist assess habitat suitability for both species within the proposed Whitney transmission line right-of-way and contact the FWS if suitable habitat is found. The FWS would be willing to assist in developing alternative routes or other measures to minimize/avoid impacts to either of these species.

The DEIS does not, however, mention the endangered whooping crane (*Grus americana*) which is known to stopover at wetlands, water bodies, and croplands in Hood and Somervell Counties during its annual migration. The FWS is concerned that the proposed 47-acre storage pond and 128-acre evaporation pond may be an attractive destination to migrating whooping cranes. Because new power lines are also proposed to provide power for necessary pumping facilities for these ponds, along with high voltage power lines planned and existing within the vicinity, the possibility exists that whooping cranes or other migratory birds may be killed by colliding with these power lines. The DEIS does not indicate that bird flight diverters or other marking devices would be installed as part of the proposed project.

The FWS is requesting the electric transmission industry's assistance in reducing the cumulative impacts to the whooping crane from power lines within the migratory corridor. The FWS is recommending the proposed project be marked as described in, "Mitigating Bird Collisions with Power Lines: The State of the Art in 1994," by the Avian Power Line Interaction Committee. For the FWS to track cooperative efforts to mitigate collision hazards, we would appreciate being notified if any active mitigation measures (i.e., bird flight diverters) for whooping cranes and other migratory birds are incorporated into this project. Marking power lines with red aviation balls or similar bird diverters, especially near wetlands and riparian corridors, has been shown to reduce the incidence of collision by 60 to 70 percent (APLIC 1994). By marking new, re-constructed, and existing power lines in areas within close proximity to known or anticipated stop-over and foraging sites, the collision hazard can be substantially reduced.

Construction of the transmission line may potentially take nesting migratory birds (eggs, nestlings, or adults) if that construction occurs during the nesting season. Such take would constitute a violation of the Migratory Bird Treaty Act (MBTA). To avoid take under the MBTA, those actions that could take migratory birds should be completed outside of their nesting seasons. This includes clearing or cutting of vegetation or grubbing. Nesting seasons for migratory birds vary greatly between species and geographic location, but generally peak from early April to mid-July. However, the breadth of the nesting season can extend from early February through late August depending on which species occur in the project area, with a few species nesting into November. Eagles may initiate nesting as early as late December or January in some areas. Due to this variability, project proponents should consult with the FWS's Regional Migratory Bird Office (U.S. Fish and Wildlife Service, Migratory Bird Office, P.O. Box 1306, Albuquerque, New Mexico 87103; phone: 505-248-6878) for information on specific nesting seasons at the locality in question. The FWS recommends you strive to complete all disruptive activities outside the peak of migratory bird nesting season to the greatest extent possible and always avoid any habitat alteration, removal, or destruction during the primary nesting season for migratory birds. Clearing of vegetation in the year prior to construction (but not within the nesting season) may discourage birds from attempting to nest in the proposed construction area, thereby decreasing chance of take during construction activities.

Thank you for the opportunity to comment on your project in the pre-planning stages. We appreciate the efforts of the Nuclear Regulatory Commission staff to gather and consider input from the U.S. Department of the Interior to address impacts to fish and wildlife resources. We

look forward to further coordination on this project. If you have any questions, please contact Sean Edwards of the FWS Ecological Services Field Office, Arlington, Texas, at 817-277-1100.

Sincerely,

Stephen R. Spencer
Regional Environmental Officer

Literature Cited

Avian Power Line Interaction Committee (APLIC). 1994. Mitigating Bird Collisions with Power Lines: the State of the Art in 1994. Edison Electric Institute. Washington, D.C.