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October 20, 2010

Gregory P. Hatchett, Chief
United States Nuclear Regulatory Commission
Environmental Projects Branch 1
Washington, DC 20426

Re: FWS Log # 2010-1254

Dear Mr. Hatchett:

The U. S. Fish and Wildlife Service (Service) has reviewed the information provided by the Nuclear Regulatory Commission (NRC) via U.S. Mail dated September 3, 2010, from Gregory P. Hatchett, chief of Environmental Projects Branch 1, and also in an email dated September 14, 2010, from Ms. Mallecia Sutton, Environmental Project Manager, to Strant Colwell, concerning federally listed species at the Vogtle Electric Generating Plant (VEGP) site in Burke County, Georgia near Waynesboro on the Savannah River. Your correspondence requested information on federally listed species for development of a biological assessment (BA). The email contained files, shapefiles, and information related to the construction of two new reactors (units 3 and 4), and a resulting power line macro-corridor. Our comments are provided in accordance with the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 *et seq.*), the Bald and Golden Eagle Protection Act (BEA) (16 U.S.C. 668-668d), and the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended 16 U.S.C. 661 *et seq.*)

The exact foot-print of the power line has not been defined but a macro-corridor has been projected to extend from the VEGP, running west from Burke County into Jefferson County and then turning north into Warren and McDuffie Counties. Our office has not conducted field surveys for listed species and any information we provide is based on information, reports or data received from sources such as the Georgia Department of Natural Resources (GADNR), their Natural Heritage Program, or other reputable sources. Species not covered in this document are either not expected to be affected by the project or are not included in survey reports we receive from other sources.

In a letter dated September 19, 2008, our office concurred with your biological assessment evaluating the impacts of early site preparation and preliminary construction at the VEGP site. There have been no species listing changes since September 2008. Although the proposed early site preparation work did not include river channel work beyond the site, we were concerned about the necessary dredging that would have been required for river transportation of reactors.

Protected Species

- **Bald eagle nests** – The Service removed the bald eagle as threatened under the ESA in August 2007, and published in May 2007, National Bald Eagle Management Guidelines (EMG) to assist in understanding protections afforded to and prohibitions related to the bald eagle under the Bald Eagle Act. The BEA prohibits anyone, without a permit issued by the Secretary of the Interior, from “taking” bald eagles, including their parts, nests, or eggs. The BEA defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” The EMG define “disturb” as: “To agitate or bother a bald or golden eagle to the degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, causing injury, death, or nest abandonment.” In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle’s return, such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death, or nest abandonment.” There are bald eagle nests in Jefferson and McDuffie counties; however, only one nest is documented for McDuffie County in the power line corridor.
- **Wood stork rookeries** – There are no documented rookeries in the project area. However, foraging wood storks may occur in project wetlands and streams, and their locations should be noted.
- **Canby’s dropwort**- Not known to occur in the direct project area but should be surveyed for if habitat is encountered.
- **American alligator**- The American alligator is not federally listed in this area and need not be included in any Federal species list. However, this species is of State importance and occurrence should be noted.
- **Indigo snake** – There are no documented occurrences of the indigo in this area; however, any pedestrian surveys of sandhill habitat and especially those with gopher tortoises should include cursory indigo surveys.
- **Gopher tortoise** – The gopher tortoise is not a federally listed species in this area; however, the tortoise is under review by the Service and tortoise populations should be included in any biological surveys where habitat exists. There are several sandhills in the corridor that may contain gopher tortoises.
- **Red-cockaded woodpecker** – Georgia Power and Southern Nuclear have entered into a Safe Harbor Management Agreement No. 28, 2005, (updated version) with GADNR to undertake activities and procedures for the benefit of the RCW on private properties at the Vogtle site. Any information related to these activities should be addressed in any environmental reports.

Use of Existing Rights of Way for Power line Routes

Fragmenting habitat and increasing forest edge exposes forest dwelling birds to nest parasitism and can reduce species diversity over large contiguous tracts of forest. Where possible, power lines should use existing rights of way.

containment vessels and other large equipment. However, Southern Company has notified the NRC in a February 2010 letter that they will not construct a barge slip or seek maintenance dredging of the Savannah River navigation channel. This eliminates our concerns related to the aquatic resources of concern such as the robust redhorse and the freshwater mussels that are not federally listed.

Attached is a list of species that can be expected to occur within your project area. Provision of the attached data does not obviate the need for additional surveys if habitat suitable for a listed species occurs on site and that species appears on the threatened and endangered species list for the county in question. Visit <http://athens.fws.gov> for our most recent list of federally threatened or endangered species for the respective counties.

Thank you for the opportunity to comment on the proposed project. We will continue to coordinate with your agency as needed and welcome questions or comments at any time. Your most recent documents contain dated information for the Service's Coastal Georgia sub-office. Our new office is now at the Townsend, Georgia address shown in the heading above. Please direct any questions or concerns you may have to the Coastal Georgia Sub-office supervisor, Strant Colwell at (912) 832-8739.

Sincerely,



Sandra S. Tucker
Field Supervisor

Attachment

cc: USFWS, Townsend, Georgia
U.S. Nuclear Regulatory Commission, Ms. Mallecia Sutton