

**Stuyvenberg, Andrew**

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**From:** Andrew Stuyvenberg  
**Sent:** Wednesday, April 16, 2008 1:24 PM  
**To:** 'DTL1@Exchange.EXPO'  
**Subject:** Fwd: ML080990403 - HQ DPC processing is complete.  
**Attachments:** ML080990403.ADC

Dennis - this is the ADAMS item and ML for the NMFS letter.

-Drew

>>> Linda Calliste 4/9/2008 11:53 AM >>>

If you have any questions or require additional information, you may contact the ADAMS Customer Support Center, 415-1234, press 1 or send an e-mail to, ADAMSIM.



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
One Blackburn Drive  
Gloucester, MA 01930-2298

FEB 28 2008

Ms. Rani Franovich  
Branch Chief, Environmental Branch B  
Division of License Renewal  
Office of Nuclear Reactor Regulation  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

**Re: Essential Fish Habitat Information Request for Docket Nos. 50-247 and 50-286; Indian Point Nuclear Generating Unit Nos. 2 and 3 License Renewal; at the Village of Buchanan, Town of Cortlandt, Westchester County, NY**

Dear Ms. Franovich:

Reference is made to your information request regarding essential fish habitat (EFH) designated in the vicinity of the Indian Point Nuclear Generating Station (Indian Point). Your letter indicates that the Nuclear Regulatory Commission is in the process of preparing a supplemental environmental impact statement (SEIS) under the provisions of Title 10 of the Code of Federal Regulations Part 51 (10 CFR Part 51), the NRC's regulation that implements the National Environmental Policy Act (NEPA) of 1969. The SEIS is being prepared in conjunction with a request by Entergy Nuclear Operations, Inc. for the renewal of the operating licenses for the two operating units at Indian Point. This proposed renewal would extend the current operating licenses 20 years beyond their current expiration dates, and would cover the use and continued maintenance of Units Two and Three and appurtenant transmission lines that connect Indian Point to the nearby Buchanan Substation.

The facilities lie on the eastern shore of the Hudson River in Westchester County, approximately 24 miles north of the New York City limits. The industrial portions of the site occupy approximately 239 acres bounded to the north, east, and south by private property and by the Hudson River on the west. Entergy Nuclear Northeast owns all three units at the site. At this time, only Units Two and Three are operational, and Unit One is intact but has been decommissioned. The operating units feature Westinghouse pressurized water reactors that are cooled by water drawn from the Hudson River via a once-through, open-cycle cooling system. The intake system includes seven bays for each unit. Thermally-enriched water subsequently is returned back into the river through six, 96" pipes that empty into the plant's 40' wide discharge canal.

The Buchanan reach of the Hudson River is tidally-dominated and tends to exhibit mesohaline or oligohaline salinity ranges that vary seasonally. Salinity influences the distribution and function of aquatic communities, which comprise a wide variety of diadromous and resident fishes, a diverse forage species including a wide array of insects, crustaceans, and other invertebrates. While not intended to be an exhaustive list, it should be noted that the fish community includes American eel (*Anguilla rostrata*), striped bass (*Morone saxatilis*), white perch (*Morone americana*), blue crab (*Callinectes sapidus*), bay anchovy (*Anchoa mitchilli*), Atlantic silversides (*Menidia menidia*), hogchoker (*Trinectes maculatus*), American shad (*Alosa sapidissima*), tomcod (*Microgadus tomcod*), blueback herring (*Alosa aestivalis*), and alewife (*Alosa*



*psuedoharengus*) which use the general project reach for a variety of habitat functions, notably spawning and nursery habitat, resting and seasonal concentration areas.

Atlantic sturgeon (*Acipenser oxyrinchus*), a candidate species for listing under the Endangered Species Act (ESA) as announced in the Federal Register on October 16, 2006 (71 FRN 61002), also occur in the Hudson River. The term "candidate species" refers to (a) species that are the subject of a petition to list as threatened or endangered; (b) species for which NMFS has determined that listing pursuant to section 4 (b)(3)(A) of the ESA may be warranted; and (c) those species are not the subject of a petition but for which NMFS has announced the initiation of a status review in the Federal Register. The notice of availability of the status review for the Atlantic sturgeon was published in the Federal Register on April 3, 2007 (72 FRN 15865). A copy of the report can be downloaded from the following website:  
[www.nero.noaa.gov/prot\\_res/candidatespeciesprogram/csr.htm](http://www.nero.noaa.gov/prot_res/candidatespeciesprogram/csr.htm).

The Atlantic Sturgeon Status Review Team (SRT) has determined that the Hudson River and Delaware River Atlantic sturgeon stock constitute a distinct population segment (DPS) called the New York Bight DPS. The SRT has also concluded that the New York Bight DPS was likely (>50 % chance) to become endangered within the next 20 years. NMFS is currently considering the information in the status report to determine if action under the ESA is warranted. The SRT also identifies several different stressors that may impact the Atlantic sturgeon populations including dams for flood control and hydropower generation, water quality degradation, dredging, and blasting.

Federally endangered shortnose sturgeon (*Acipenser brevirostrum*) may be found in the Hudson River in the vicinity of Indian Point. Any federal action, such as the approval, funding, or implementation of a project by a federal agency that may affect a listed species must undergo consultation pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended. Once specific projects are identified and project plans are developed, the NRC should submit its determination of effects, along with justification for the determination and a request for concurrence, to the attention of the Endangered Species Coordinator, NMFS, Northeast Regional Office, Protected Resources Division, One Blackburn Drive, Gloucester, MA 01930.

In addition, EFH has been designated in the Hudson River mixing zone for a variety of federally managed fishery resources. These include certain life stages of the red hake (*Urophycis chuss*), winter flounder (*Pseudopleuronectes americanus*), windowpane (*Scopthalmus aquosus*), bluefish (*Pomatomus saltatrix*), Atlantic butter fish (*Peprilus triacanthus*), summer flounder (*Paralichthys dentatus*), Atlantic sea herring (*Clupea harengus*), and the black sea bass (*Centropristus striata*). Information regarding these designations may be found at our regional website (<http://www.nero.noaa.gov/hcd/index.html#efh>). This information is intended as a generic guide that lists the EFH species within an area and is not intended for use on its own. The actual EFH descriptions, the species habitat preferences, and life history parameters are provided in Guide to EFH Descriptions. The Councils' Fishery Management Plans (FMPs) also should be referred to for more extensive information regarding EFH.

Section 305(b)(2) of the MSA requires all federal agencies to consult with NMFS on any action authorized, funded, or undertaken by that agency that may adversely affect EFH. Included in this consultation process is the preparation of an EFH assessment to provide necessary information on which to consult. Our EFH regulation at 50 CFR 600.905 mandates the preparation of EFH assessments and generally outlines each agency's obligations in this consultation procedure. The level of detail in the EFH assessment should be commensurate with the potential impacts of the

proposed project. It should also evaluate all of the direct, indirect, individual, and cumulative impacts on EFH.

The required contents of an EFH assessment include: 1) a description of the action; 2) an analysis of the potential adverse effects of the action on EFH and the managed species; 3) the NRC's conclusions regarding the effects of the action on EFH; 4) proposed mitigation, if applicable. Other information that should be contained in the EFH assessment, if appropriate, includes: 1) the results of on-site inspections to evaluate the habitat and site-specific effects; 2) the views of recognized experts on the habitat or the species that may be affected; 3) a review of pertinent literature and related information; and 5) an analysis of alternatives to the action that could avoid or minimize the adverse effects on EFH.

In order to allow us to evaluate fully the project's impacts on EFH and federally managed species, additional information on the impacts of continued plant operation, especially with regard to the once-through cooling water intake from the river and water release back to the river. This information will allow us to develop EFH conservation recommendations to further minimize impacts on EFH and federally managed species. Depending upon the expected impacts and the construction schedule, additional best management practices or seasonal work restrictions may be appropriate EFH conservation recommendations

Thank you for your inquiry regarding habitat uses by resources of concern in the Indian Point area. We appreciate the opportunity to provide you with this preliminary coordination information. Should you wish to discuss these comments further, please contact Diane Rusanowsky at (203) 882-6504.

Sincerely,



Peter D. Colosi, Jr.  
Assistant Regional Administrator  
for Habitat Conservation

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cc: F/NER4 – Milford  
F/NER3 – Protected Resources  
USACE – NAN  
USFWS – Cortland