

June 30, 2011

MEMORANDUM TO: Dr. Allen H. Fetter, Acting Chief
Environmental Projects Branch 3
Division of Site and Environmental Reviews
Office of New Reactors

FROM: Douglas W. Bruner, Environmental Project Manager */RA/*
Environmental Projects Branch 3
Division of Site and Environmental Reviews
Office of New Reactors

SUBJECT: SUMMARY OF THE U.S. NUCLEAR REGULATORY
COMMISSION'S MEETING WITH THE U.S. FISH AND WILDLIFE
SERVICE AND THE U.S. ARMY CORPS OF ENGINEERS

The U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and U.S. Nuclear Regulatory Commission participated in a meeting on March 14, 2011. The parties met to discuss an approach for completing targeted surveys and consultation under Section 7 of the Endangered Species Act.

A list of the meeting's participants is included as Enclosure 1, a summary of the discussion is included as Enclosure 2, and slides from the presentation are provided as Enclosure 3. The compact disc which contains information on the species habitats is available to the public upon request.

CONTACT: Douglas Bruner, NRO/DSER
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Docket Nos.: 52-029 and 52-030

Enclosures:
As stated

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Meeting to Discuss the Levy Nuclear Plant Project with the
U.S. Fish and Wildlife Service, U.S. Nuclear Regulatory Commission,
and the U.S. Army Corps of Engineers
March 14, 2011

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Meeting to Discuss the Levy Nuclear Plant Project with the
U.S. Fish and Wildlife Service, U.S. Nuclear Regulatory Commission,
and the U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (USACE) and U.S. Nuclear Regulatory Commission (NRC) met with the U.S. Fish and Wildlife Service (FWS) in Jacksonville, Florida to discuss targeted surveys for threatened and endangered (T&E) species for the proposed Levy Nuclear Plant (LNP) project proposed by Progress Energy Florida (PEF). This meeting was a follow-up to the meeting held on January 4, 2011, to discuss the formal consultation with the FWS.

After introductions, Mr. Doug Bruner, the NRC Environmental Project Manager assigned to the LNP project, gave a briefing on NRC's regulatory authority, described the site, and provided an update to the status of the LNP project. Mr. Peyton Doub, the NRC Terrestrial Ecologist, then provided an overview of the process used by the NRC to identify terrestrial threatened and endangered (T&E) species possibly requiring targeted surveys. Dr. Michael Masnik, NRC Aquatic Ecologist, then discussed the occurrence of Florida manatees and potential impacts to that species as a result of constructing a boat ramp and barge slip in the Cross Florida Barge Canal. Dr. Masnik also discussed manatee population surveys and addressed thermal plume impacts to the manatees from the proposed shutdown of two coal-fired plants at the Crystal River Energy Complex (CREC) when the proposed Levy plant begins operations.

For each terrestrial species, the NRC team presented geographic information system (GIS) maps, developed by NRC, that overlaid known geographic range and habitat preference polygons over existing habitat maps of the project area. The NRC team presented a conceptual approach, developed by NRC, for where and when targeted ground surveys would have to be conducted to provide the information requested by FWS. However, the NRC team indicated that PEF was performing an independent analysis and would be responsible for conducting the surveys for T&E species. The FWS staff has been meeting with PEF independent of the NRC and USACE.

The FWS agreed that the NRC's and the applicant's approach are suitable for completing most of the targeted surveys. However, FWS suggested that targeted surveys for certain wildlife species, including the wood stork, Florida scrub jay, sand skink, and red-cockaded woodpecker, follow protocols developed for those species by FWS. The FWS protocols are available on the FWS website. Regarding the eastern indigo snake, FWS stated that they may be willing to evaluate potential take on the basis of habitat maps and not require field surveys for the actual snakes. FWS plans to issue a survey protocol for the eastern indigo snake in the near future that could be used by project proponents not wishing to rely on the conservative assumptions underlying a habitat-based evaluation of take. Regarding the wood stork, FWS stated that surveys should follow the FWS wood stork survey protocol but would only be necessary in the vicinity of known rookeries and nesting sites. FWS will be issuing an updated map of wood stork rookeries in May 2011.

The gulf sturgeon was also discussed. According to the FWS, the project area is outside of the current geographic range of the gulf sturgeon, and the FWS does not require agencies to consult for projects this far south.

The FWS indicated that the NRC and USACE could incorporate new information, including the results of targeted surveys, into an addendum to the biological (BA), which can be included as an appendix to the final environmental impact statement (EIS). The addendum could be used to present the targeted survey findings and any new or changed conclusions not presented in the BA. The FWS indicated that, while targeted surveys and other additional information are needed to address the proposed transmission lines, the information on the Levy site, as currently presented in the draft EIS and BA, is sufficient. The FWS also requested to see construction designs for the barge slip.

The next step is for PEF to proceed with the targeted surveys. Some plants and the sand skink needed to be targeted during the March/April 2011 timeframe. Other species will have to be surveyed at other times over the 2011 growing season. For the sand skink, FWS indicated that surveying approximately 25 percent of the habitat acreage is sufficient.

The FWS also stated that the wetland mitigation plan would need to account for T&E species, especially wood stork foraging areas. FWS stated that the plan would have to include compensatory wetland mitigation credits addressing the loss of wetlands within recognized wood stork core foraging areas. The USACE requested that the FWS convey this issue to PEF.