

IPRenewal NPEmails

From: Stuyvenberg, Andrew
Sent: Wednesday, June 29, 2011 5:32 PM
To: Gray, Dara F
Cc: Julie.Williams@Noaa.Gov; Zoli, Elise N; Sutton, Kathryn M.; Dacimo, Fred R.; Mark Mattson; Imboden, Andy; BUCKLEY, RICKY N; Dowell, Kelli; pbessette@morganlewis.com; IPRenewal NPEmails; Julie Crocker; Turk, Sherwin; Balsam, Briana; Logan, Dennis
Subject: RE: Schedule for BO (revised proposal)

Dara, others –

The following summarizes my understanding of the schedule for the ongoing ESA Section 7 consultation as agreed-to by NRC, NMFS, and Entergy on this afternoon's teleconference.

- **T (likely July 5; not before July 5)** – Entergy submits information on benthic resources in the action area as discussed on the June 22 teleconference (i.e., information on the biofouling community at the IP intakes, information on the entrainment of amphipods and published studies related to the distribution of the benthic community in the Hudson River). Entergy is also to provide to NRC any relevant thermal information for NRC's revised BA
- **T+20 calendar days (likely July 25, depending on T)** – NRC staff submits BA supplement to NMFS focusing on the assessment of the thermal discharge on shortnose sturgeon.
- **One month after NRC submits BA supplement to NMFS (likely August 25)** - NMFS provides a draft Biological Opinion (BO) to NRC. In completing its BO, NMFS will: (a) review the information provided in the supplemental BA, (b) incorporate the new information on the thermal plume (Swanson et al. 2011, and other sources of information as appropriate) into the draft Opinion, (c) incorporate additional technical information provided by Entergy on the June 22 conference call, (d) make a draft determination as to whether the proposed action is likely to jeopardize the continued existence of shortnose sturgeon and provide justification for this determination, (e) prepare a draft Incidental Take Statement with draft Terms and Conditions and Reasonable and Prudent Measures, as appropriate. Following receipt of the BO, it is NMFS understanding that NRC will distribute the draft BO to Entergy and request that Entergy's comments be submitted to NRC for transmittal to NMFS pursuant to 50 CFR 402.14(g)(5).
- **Ten calendar days after NMFS provides a draft BO to NRC (likely September 6 – first working day after Labor Day)** - NRC provides comments from NRC and from Entergy, if any, on the draft BO to NMFS at the end of this 10-calendar day period.
- **If there are no substantive comments, then NMFS prepares the final BO within several days of September 6.** If NRC or Entergy submit substantive comments, then NMFS will either prepare a final BO within ten working days (September 20) or NMFS will notify NRC and Entergy of a need for additional time.

I believe that captures our agreed-upon timeline, but please reply if I've missed or misconstrued anything.

Best regards,
Drew

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Subject: RE: Schedule for BO (revised proposal)
Sent Date: 6/29/2011 5:31:53 PM
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From: Stuyvenberg, Andrew

Created By: Andrew.Stuyvenberg@nrc.gov

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