



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, Florida 33701-5505  
(727) 824-5317; FAX 824-5300  
<http://sero.nmfs.noaa.gov>

April 4, 2012          F/SER46:MS/rs

Colonel Alfred A. Pantano, Jr., District Engineer  
Department of the Army  
Jacksonville District Corps of Engineers  
1002 West 23rd Street, Suite 350  
Panama City, Florida 32405-3648

Dear Colonel Pantano:

NOAA's National Marine Fisheries Service (NMFS), Southeast Region, Habitat Conservation Division (HCD), has reviewed your staff's electronic mail message dated December 7, 2011, and accompanying electronic attachments addressing our October 26, 2010, essential fish habitat (EFH) conservation recommendations. These EFH conservation recommendations were provided in response to the joint Nuclear Regulatory Commission (NRC)/U. S. Army Corps of Engineers (USACE) Draft Environmental Impact Statement and EFH assessment dated August 2010, for the proposed Levy Nuclear Plant construction by Progress Energy Florida, in Levy County, Florida. NMFS HCD staff also reviewed the conditions and regulatory requirements identified in the Cross Florida Barge Canal and Withlacoochee River Survey and Plan for the Levy Nuclear Plant (Plan), dated November 2010.

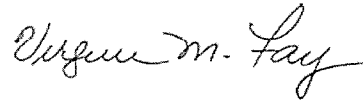
NMFS HCD, USACE, and NRC staffs participated in a conference call on March 16, 2012, to discuss our EFH conservation recommendations, during which three of the five conservation recommendations were adequately addressed. Immediately following that call, Florida Fish and Wildlife Conservation Commission (FFWCC) staff confirmed the regulatory requirements within the State of Florida permit(s) allow for the implementation of additional measures should pre-operational survey and post-operational monitoring data indicate harm or potential harm to the ecological resources within waters of the State following operation of the Levy Nuclear Plant. NMFS HCD believes the Plan's regulatory requirements, confirmed by FFWCC adequately address our EFH Conservation Recommendations #1 and #2 to provide for best management practices to minimize potential impacts on fishery resources.

Therefore, this satisfies the consultation procedures outlined in 50 CFR Section 600.920, of the regulation to implement the EFH provisions of the Magnuson-Stevens Fishery Conservation and



Management Act and no further consultation is required. Please contact Mr. Mark Sramek at the letterhead address, through email at [Mark.Sramek@noaa.gov](mailto:Mark.Sramek@noaa.gov), or by calling (727) 824-5311 if you have questions regarding these comments.

Sincerely,

A handwritten signature in black ink that reads "Virginia M. Fay". The signature is written in a cursive style with a large initial "V" and a long, sweeping tail.

Virginia M. Fay  
Assistant Regional Administrator  
Habitat Conservation Division

cc:  
NRC  
PRD  
USFWS  
USEPA  
FDEP  
FFWCC