

From: Balsam, Briana
To: Doyle, Daniel
Subject: RE: Columbia aquatic letters for concurrence
Date: Friday, June 10, 2011 1:33:00 PM
Attachments: CGS DSEIS ltr to FWS balsam.docx

Dan,

I attached letter #1--the one for the biological assessment. I put a number of comments in there, so let me know if you have questions. The main changes I made were to be very specific that we are requesting informal section 7 consultation under the ESA and that we want FWS's concurrence within 30 days per the ESA regs. In the past we have been a little ambiguous with this in our letters and it leads to trouble down the road. It's better to have a clear record indicating that we know how the consultation process works from the beginning so that we can defend our actions later if need be.

The other big thing to note is that the ESA regs require that we get an updated list of species if we take more than 180 days to prepare the biological assessment. As of right now, today is day 214. See the first comment in the letter. It would be best to send your FWS a quick email saying that we are close to issuing the BA and to ask if the bull trout is still the only species in the area. We can add that email to ADAMS, and then we have that aspect covered.

I will review the second letter now and send it over to you when I am finished.

Briana

From: Doyle, Daniel
Sent: Friday, June 10, 2011 12:47 PM
To: Balsam, Briana
Subject: FW: Columbia aquatic letters for concurrence

Briana,

Please see the comments from PNNL and revisions to the Columbia DSEIS letter to NMFS.

Please let me know if you have any comments on Becky's changes or anything else. I'm just looking for a sanity check from someone who is familiar with how our consultation with NMFS is supposed to work.

Thanks,

Dan Doyle

Project Manager
Division of License Renewal
U.S. Nuclear Regulatory Commission
daniel.doyle@nrc.gov
(301) 415-3748

From: Krieg, Rebekah [mailto:rebekah.krieg@pnnl.gov]
Sent: Friday, June 10, 2011 11:10 AM
To: Doyle, Daniel
Cc: Logan, Dennis; Mcdowell, Bruce K
Subject: RE: Columbia aquatic letters for concurrence

Dan,

The FWS letter is fine – I only had once change (“no affect” rather than “no effect”, see attached letter). I did not see mention of any of the terrestrial species, but I am assuming that was dealt with by another communication so that he knows that NRC had determined that none of the terrestrial species mentioned in his letter were in the vicinity.

I did provide more extensive suggestions for the NMFS letter (also attached). I know that past letters from NRC have said that the NRC staff identified the EFH species, and there may be a reason for this that I do not understand, however, we actually got the list of species from NMFS in their June 23, 2010 letter. I thought it would be appropriate to state that. I am, however, checking with one of our aquatic resource coordinators (Ann Miracle) to see if her experience is different. Also, I was under the impression that the May 3, 2010 letter you sent was the initiation of the consultation, and Ann concurred that was her understanding of how the process worked also.

This review triggered a finding of an error in the BA/EFH. This error is not included in the EIS. The error is in Table 3-2, where we had included steelhead (*O. mykiss*) instead of the appropriate coho (*O. kisutch*). The remainder of the discussion and analysis in the BA/EFH is correct, it is just in the table that the error occurs. My apologies for not catching this earlier.

Table 3-2. Aquatic Fish Species with Essential Fish Habitat in the Vicinity of the Hanford Reach of the Columbia River in the Vicinity of the Columbia Generating Station

Scientific Name	Common Name
<i>Oncorhynchus tshawytscha</i>	Upper Columbia River Chinook salmon
<i>Oncorhynchus kisutch</i>	coho salmon
Sources: NMFS 2010a	

Becky

From: Doyle, Daniel [mailto:Daniel.Doyle@nrc.gov]
Sent: Thursday, June 09, 2011 12:11 PM
To: Krieg, Rebekah
Cc: Logan, Dennis; Mcdowell, Bruce K
Subject: Columbia aquatic letters for concurrence

Becky,

In preparation for issuing the Columbia draft SEIS, I prepared the attached letters to the U.S. Fish and Wildlife Service and NMFS.

Please review them and let me know if you have any revisions or comments.

Thanks,

Dan Doyle

Project Manager
Division of License Renewal
U.S. Nuclear Regulatory Commission
daniel.doyle@nrc.gov
(301) 415-3748

Ms. Robyn Thorson, Regional Director
U.S. Fish and Wildlife Service
Pacific Region
911 NE 11th Ave
Portland, OR 97232

SUBJECT: BIOLOGICAL ASSESSMENT FOR INFORMAL SECTION 7
CONSULTATION RELATED TO THE LICENSE RENEWAL
OF
COLUMBIA GENERATING STATION

Dear Ms. Thorson:

The U.S. Nuclear Regulatory Commission (NRC) staff has completed the enclosed draft Supplement XX to NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants," to evaluate the proposed renewal of the Columbia Generating Station (CGS) operating license for a period of an additional 20 years. In accordance with the Endangered Species Act of 1973, as amended, the NRC's biological aAssessment (BA) for license renewal of CGS is included in Appendix D-1 of the enclosed draft sSupplemental eEnvironmental iImpact sStatement (SEIS).

CGS is located in Benton County, Washington, 12.5 miles northwest of Richland. CGS is equipped with a closed-cycle heat dissipation system that withdraws makeup water from, and discharges that water to, the Columbia River from six mechanical draft cooling towers. The plant is operated by Energy Northwest.

In a letter dated March 22, 2010¹, the NRC requested that your office of the U.S. Fish and Wildlife Service (FWS) provide the NRC with information on lists of Federally-listed endangered or threatened, proposed, and candidate species and information on proposed and candidate species, as well as any designated critical habitat that may be in the vicinity of CGS and its associated transmission line rights-of-way. This letter initiated informal section 7 consultation under the Endangered Species Act of 1973, as amended. The FWS responded in an e-mail dated November 8, 2010², and identified a single aquatic species—the bull trout (*Salvelinus confluentus*)—under its jurisdiction that is Federally-listed as threatened and has been reported in the Hanford Reach in the vicinity of the CGS facility. Further, the FWS indicated that critical habitat for the bull trout occurred within the action area, as previously defined. Because the NRC did not prepare its biological assessment within the 180-day timeframe specified at 50 CFR 402.12(i), the NRC confirmed the accuracy of the species list in an e-mail to FWS on

¹NRC| U.S. Nuclear Regulatory Commission. 2010. Letter from Pham B, Branch Chief, to Thorson R, Pacific Regional Director, FWS. Subject: Request for list of species for Columbia Generating Station license renewal application review. March 22, 2010. ADAMS No. ML100710046.

²FWS| U.S. Fish and Wildlife Service. 2010. E-mail from Kurz GL, Fish and Wildlife Biologist, to Doyle D, Project Manager, NRC. Subject: Columbia Generating Station license renewal. November 8, 2010. ADAMS No. ML103120486.

Comment [BAB1]: Dan – if we take more than 180 days to prepare a biological assessment, we are supposed to confirm the accuracy of the species list with the FWS per 50 CFR 402.12(i) and (e). It would be a good idea to email the person that sent you a list letting him know that we are planning to send out the biological assessment soon, and we want to know if the list is still accurate (even though it is only one species). Then document this email in ADAMS and refer to it in the letter.

Comment [BAB2]: We aren't using this acronym anymore since it is easy enough to write out "biological assessment" and FWS and NMFS don't use the acronym.

Comment [BAB3]: I added the references as footnotes because it is just generally a good practice to include the full reference for the recipient to refer to if needed. Plus, it's nice for us to have when we have to back-track on projects to answer questions that come up.

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DATE. The FWS responded on DATE confirming that the bull trout was the only listed species in the area under the NRC's review.

The NRC's ~~is~~ biological assessment BA provides an evaluation of the potential impact of renewing the CGS operating license for an additional 20 years of operation on the bull trout and its critical habitat. ~~The~~ In the biological assessment, the NRC concludes that continued operation of CGS will have ~~no~~ no effect on the bull trout.

Comment [BAB4]: See first comment.

Comment [BAB8]: See first comment.

Comment [BAB5]: Becky's correction was actually wrong here. Effect is a noun, which is what the word should be. I also bolded it because we want that to stand out and we often bold the conclusions in biological assessments.

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R. Thorson

- 2 -

We are requesting your concurrence with our determination within 30 days per 50 CFR 402.12(j). In reaching our conclusion, the NRC staff relied on information provided your office, information provided by the applicant, and on research performed by NRC staff. Please note that the comment period ends on MONTH DAY, 2011. If you have any questions regarding this issue or the staff's request, please contact Daniel Doyle at 301-415-3748 or by e-mail at Daniel.Doyle@nrc.gov.

Comment [BAB6]: I added this because we mentioned getting information from them earlier in the letter.

Comment [BAB7]: Last comment—promise! In recent letters specifically having to do with section 7 or EFH consultations, we have provided 2 contacts—the biologist for biology-related questions and the PM for project-related questions. So here, you and Dennis would be mentioned. This is helpful to keep RERB in the loop the whole way through, plus makes more sense once the consultation is transferred over to RERB in the event that the final SEIS is issued and the consultation is still open (which has happened with Indian Point, Salem, and Hope Creek).

Sincerely,

Bo M. Pham, Chief
Projects Branch 1
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No. 50-397

Enclosure:
As stated

cc w/encl: Listserv

bull trout was the only listed species in the area under the NRC's review.

The NRC's biological assessment provides an evaluation of the potential impact of renewing the CGS operating license for an additional 20 years of operation on the bull trout and its critical habitat. In the biological assessment, the NRC concludes that continued operation of CGS will have **no effect** on the bull trout.

We are requesting your concurrence with our determination. In reaching our conclusion, the NRC staff relied on information provided by the applicant and on research performed by NRC staff. Please note that the comment period ends on MONTH DAY, 2011. If you have any questions regarding this issue or the staff's request, please contact Daniel Doyle at 301-415-3748 or by e-mail at Daniel.Doyle@nrc.gov.

Sincerely,

Bo M. Pham, Chief
Projects Branch 1
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No. 50-397

Enclosure:
As stated

cc w/encl: Listserv

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ADAMS Accession Nos.:

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Comment [BAB9]: Becky's correction was actually wrong here. Effect is a noun, which is what the word should be. I also bolded it because we want that to stand out and we often bold the conclusions in biological assessments.

R. Thorson

- 2 -

OFFICE	LA: DLR	PM:DLR/RPB1	GS:DLR/RERB	GS:DLR/RERB	OGC	BC:DLR/RPB1
NAME		DDoyle	ATravers	DLogan	LSubin	BPham
DATE						

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