April 17, 2014

Mr. Rodney R. McInnis, Regional Administrator
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

SUBJECT: PRELIMINARY DETERMINATION OF NO ADVERSE EFFECT ON LISTED SPECIES OR ESSENTIAL FISH HABITAT FROM THE PROPOSED HUMBOLDT BAY POWER PLANT UNIT 3 LICENSE TERMINATION PLAN

Dear Mr. McInnis:

The U.S. Nuclear Regulatory Commission (NRC) staff currently is reviewing an application submitted by its licensee, Pacific Gas and Electric Company (PG&E), dated May 3, 2013, to terminate the Humboldt Bay Power Plant (HBPP) Unit 3 license on the site of the HBPP in Humboldt County, California. As part of its environmental review, the NRC staff is preparing an Environmental Assessment (EA) in accordance with the requirements of the National Environmental Policy Act of 1969, as amended, as specified in 10 CFR Part 51 of the NRC's regulations. In conjunction with this review, the NRC staff also is considering the potential impact of the proposed action on endangered species, in accordance with the Endangered Species Act.

In 2004, the National Marine Fisheries Service (NMFS) identified the names of listed species and critical habitat for such species that may occur within the project area. In addition, the NMFS also indicated that Humboldt Bay is designated as Essential Fish Habitat (EFH) under the Magnuson-Stevens Fishery Conservation and Management Act for identified fish species.
A recent phone conversation with NMFS staff confirmed that there had been no changes in the listed species since 2005, when inquiry was lasy made during the license amendment for the Independent Spent Fuel Storage Installation at the HBPP.

After a review of the potential impacts of the proposed action (i.e., the decommissioning and dismantling of the HBPP Unit 3 facilities), the NRC staff determined that the proposed action would have no effect on any of the listed species or the EFH for Humboldt Bay. The supporting basis for this conclusion is provided in the enclosure to this letter.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC web site at http://www.nrc.gov/reading-rm/adams.html.

If you have any questions, please contact Alan Bjornsen of my staff. Mr. Bjornsen can be reached at (301) 415-1195 or via email at alan.bjornsen@nrc.gov.

Sincerely,

/RA/

Andrew Persinko, Deputy Director
Decommissioning and Uranium
Recovery Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State
Materials and Environmental Programs

Docket No: 50-133
License No: DPR-7

Enclosure: Assessment of Potential Effect

cc: Attached List

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Assessment of Potential Effect

Ecological Assessment

The vicinity within 8.0 km (5 mi) of the Humboldt Bay Power Plant (HBPP) Unit 3 site provides a wide array of habitats for plants and animals. Terrestrial ecological surveys identified more than 200 vascular plants and 12 vegetation communities in the area. Additionally, an extensive list of birds, mammals, reptiles, and amphibians is provided in Tables 2.3-3 through 2.3-5 of the Humboldt Bay ISFSI Environmental Report (PG&E, 2003).

PG&E land at the HBPP Unit 2 site was inventoried for the presence of special status plant species in 1999 and 2002. Site vegetation habitats, present in the project area (storage site, fill disposal area, and transportation route) consist primarily of disturbed coastal terrace prairie. The site has been disturbed considerably over the life of the HBPP facility, from initial construction to the ongoing maintenance activities (*e.g.*, mowing). Most of the species occurring on the site and related project areas are nonnative species, many of which are ruderals (*i.e.*, plants that grow in wastelands or disturbed areas). Areas previously cleared of vegetation, such as along the discharge canal, access roads, and parking lots, are dominated by the ruderal species present in the disturbed grassland. A comprehensive field study in 2002 on the HBPP site did not locate suitable habitat for or any presence of plant species designated for special status by the State of California or federally listed or candidate threatened or endangered plant species (PG&E, 2003). The western lily (*lilium occidentale*), which is federal- and state-listed as endangered and reported in the freshwater marsh south of Fields Landing (more than 1.6 km (1 mi) south of the site), would not be affected by activities at the HBPP.

Numerous special status terrestrial wildlife species occur within the ecologically diverse and productive habitats in the vicinity of the project site. Inventories conducted in 1999 and 2002 on PG&E property, including the site, did not indicate the presence of any of these species and found that the lack of suitable habitat made their presence unlikely (PG&E, 2003).

In the vicinity of the project, five special-status species of fish (tidewater goby, Chinook salmon, Coho salmon, steelhead, and coastal cutthroat trout) occur or have the potential to occur based on the presence of suitable habitat. An inventory of PG&E-owned land at the HBPP Unit 3 site, in 1999 and 2002 did not observe these species on PG&E property. Lack of suitable habitat for these species indicates that they are not present at the ISFSI site. Harbor seals (*Phoca vitulina*) do not have official status as a listed endangered or threatened species, but they are protected under the Marine Mammal Protection Act. Harbor seals are year-round residents of the Humboldt Bay region. The seals haul out on tidal flats in areas remote from human activity to rest and bear their young. The Humboldt Bay National Wildlife Refuge in the southern part of Humboldt Bay is a key breeding and hauling out area used by harbor seals (PG&E, 2003).

PG&E-owned land at the HBPP Unit 3 site was inventoried for the presence of special status freshwater aquatic species in 1999 and 2002. Five special-status freshwater aquatic species occur in the vicinity of the project: the northern red-legged frog, the foothill yellow-legged frog, the tailed frog, the southern torrent salamander, and the northwestern pond turtle. No special status freshwater aquatic species appear to occur at the site (PG&E, 2003).

A habitat assessment, conducted in August 1999 using procedures approved by the U.S. Fish and Wildlife Service, found that the ISFSI site and surrounding PG&E property have limited habitat suitable for northern red-legged or tailed frogs because of the lack of freshwater streams (PG&E, 2003). Although no frogs or tadpoles were observed, a small stream directly east of the intake canal has limited potential to be a low-quality breeding habitat for the northern red-legged frog. Additionally, there are freshwater ponds with cattails near Highway 101 that could provide foraging and dispersal habitat for northern red-legged frogs.

No suitable habitat was found for the southern torrent salamander, the foothill yellow-legged frog, tailed frogs, or the northwestern pond turtle at, or on, the adjacent PG&E property.

Impacts Assessment

Decommissioning Impacts

The environmental impacts due to the remaining decommissioning and dismantling of the HBPP Unit 3 are expected to be small (most of the decommissioning and dismantling activities have already taken place under previous license amendments). Remaining activities would take place within the boundaries of the 143-acre PG&E-controlled site area, an area that was previously disturbed during HBPP operations. Dismantling activities associated with the proposed decommissioning would impact approximately 34 acres of land area. The remaining activities would consist of excavating the caisson, stockpiling the excavated soils, dredging contaminated sediment from the intake and discharge canals, widening and extending the supply dismantling miscellaneous structures, and controlling dust and runoff. Any construction materials would be derived from offsite sources.

Dust generated during construction is expected to be minimal given that the construction traffic would be using paved onsite and offsite roadways. Dust derived from excavation and fill operations would be mitigated through dust control techniques (e.g., watering and/or chemical stabilization). Routine truck washing and covering truck-hauled materials would contribute to minimizing dust emissions. Gaseous emissions from construction equipment is expected to be mitigated through regular maintenance of the equipment (PG&E, 2003).

Excavated soils will be stockpiled in areas that have been disturbed previously by plant operations. These areas will be accessed via the existing road, and the transport and deposition of the excavated material is not expected to have a significant environmental impact. Material stockpiled there would be put into 1,000 cubic yards piles. PG&E has indicated that it will use best management practices (BMPs), as appropriate, to address storm water runoff, erosion control, and revegetation. All areas disturbed during decommissioning activities would be revegetated with an appropriate seed mix in accordance with Humboldt County Coastal Commission requirements (Ordinance 2157).

The impact of decommissioning HBPP Unit 3 on local water sources and wetlands is expected to be small. The intake and discharge canals will be dredged of contaminated sediment. Approximately 400 cubic yards from the intake canal, and approximately 2,500 cubic yards from the discharge canal would be dredged, drained and disposed of off-site. Discharges from the HBPP are regulated currently under a discharge permit issued by the North Coast Regional Water Quality Control Board (NCRWQCB). PG&E will address any needed modifications to its permit

with the NCRWQCB. In addition, PG&E is expected to apply applicable BMPs to protect local waters and nearby wetlands from site runoff, spillage, and leaks (PG&E 2013).

Decommissioning and dismantling activities are not expected to impact any state or federally listed threatened or endangered plant, terrestrial wildlife, marine life, or fish species. All such species that may occur within an 8-km (5-mile) radius of the proposed facility were considered by the applicant. None of these species were found to inhabit the area on or immediately adjacent to the HBPP Unit 3 site, nor were they identified at the spoils disposal site (PG&E 2013).

References

Pacific Gas and Electric Company
Humboldt Bat Power Plant, Unit 3
Docket Nos. 50-133, 72-27

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