

From: Dozier, Tamsen
To: terri.miley@pnnl.gov
Subject: Notes from the Aug 19, 2014 telecon between NRC and NMFS
Date: Monday, April 20, 2015 12:56:00 PM

Telecon w NMFS - Aug 19, 2014

Participants: Chris Vaccaro – National Marine Fisheries Service; Tami Dozier – NRC; Michael Masnik – NRC; Rebekah Krieg – PNNL; Jeff Ward - PNNL

This was a call to begin conversations with NMFS for the interactions related to North Anna Unit 3 project. The NRC explained background related to how the agency became aware of the potential for affects to the Atlantic sturgeon from activities related to the project. The NRC explained that the USACE has issued a permit for the barge rolloff facility and that the USACE project manager is on temporary duty at another district and is not expected back until the end of the calendar year. In the meantime, the NRC is initiating interactions with NMFS to determine appropriate steps to ensure Section 7 obligations are met.

The NRC informed NMFS that, until recently, the thinking was that the time of year restriction in place for the shad would be sufficient to take care of the sturgeon and there would not be much effort to reach some conclusions of effect. However, NRC has recently become aware of evidence that spawning in the York River system may occur later in the year than the restriction covers. NMFS acknowledged that this has been an issue for them as well. Ms. Vaccaro indicated that there is recent evidence that Atlantic sturgeon spawning in the region has occurred between late August, through September and into November. For the affects from the barge rolloff facility, she saw no risk to eggs and larvae from pile driving although a noise analysis for the adults may be appropriate. She did not see any passage issues for adults from the cofferdam installation.

Ms. Vaccaro explained that NMFS has reviewed the draft supplement to the BA for USFWS that the NRC had sent them as background material. She believes that there is nothing else in the project other than the barge rolloff facility that would affect the sturgeon. So she suggested that the consultations can, in essence, be in two parts. She explained that there would be one consultation, but we could separate the discussion of the barge rolloff facility. The NRC could write up something that would support a determination of no affect for the all of the project except for the rolloff facility (and NMFS would not object to our determination). For the barge rolloff facility, there may need to be mitigation. There are ways around a time of year restriction, depending upon the activities and the timing of those activities, there can be some conditions to dictate the use of noise reduction equipment and certain construction practices that would mitigate impacts to the species. Given the upcoming work that is planned for research on this in the Mattaponi, Ms. Vaccaro suggested that the NRC should wait to see what we can learn from that effort before completing the rolloff part of the assessment.

Everyone generally agreed that the key to the latter discussion would be the USACE. The NRC stated that they would contact the USACE project manager upon her return to the Norfolk office.

The NRC inquired as to the Essential Fish Habitat aspect of the consultations. Ms. Vaccaro said that she will contact David O'Brien of their office who handles that end of the interactions. She also explained that she is the one from their office that usually deals with the USACE on Section 7 consultations and Julie Crocker is the one that usually interacts with NRC. Because the primary portion of the concern for this action is under the

USACE's authority, Ms. Vaccaro predicted that she herself will be the one with whom NRC will have most of our interactions.