



United States Department of the Interior



FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407

April 7, 2016

Ms. Jennifer Dixon-Herrity, Chief
Environmental Projects Branch
Division of New Reactor Licensing
Office of New Reactors
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Attn: Patricia Vokoun

Re: SAC-2009-122 -William States Lee, III Nuclear Station
Cherokee County, South Carolina, FWS Log No. 2015-I-0356

Dear Ms. Dixon-Herrity:

The U.S. Fish and Wildlife Service (Service) has received the U.S. Nuclear Regulatory Commission's (NRC) request for confirmation of our concurrence regarding the northern long-eared bat (*Myotis septentrionalis*; NLEB). On August 25, 2015, we provided the U.S. Army Corps of Engineers with our concurrence pursuant to section 7 of the Endangered Species Act of 1973 (ESA), as amended on their determination that the proposed project is not likely to adversely affect the NLEB. With the NRC's letter you are requesting that the Service provide separate concurrence for your records to satisfy section 7 requirements. This letter will serve to provide the NRC with our concurrence. We have incorporated much of the language from the August 25, 2015, letter in our response.

The proposed William States Lee, III Nuclear Station, to be constructed and operated by Duke Energy Carolinas, LLC (Duke Energy), is located in the eastern portion of Cherokee County, South Carolina. The project site is located on the former Cherokee Nuclear Station site adjacent to the Broad River directly upstream of the Ninety-Nine Islands Dam, approximately eight miles southeast of the City of Gaffney, South Carolina. The project consists of four major areas: Lee Nuclear Site; Make-Up Pond C; Railroad; and Associated Offsite Transmission Lines. Components of the Lee Nuclear Site will include two nuclear generating units; water systems; and other supporting and administrative infrastructure. The Make-Up Pond C Site will include an approximate 620-acre impoundment and associated features. A railroad spur from East Gaffney to the Lee Nuclear Site will be constructed for material deliveries and to support new facility construction activities. This approximately 6.8-mile railway will largely be constructed

within the right-of-way of the abandoned railroad built for the Cherokee Nuclear Station. Roughly 31 miles of transmission lines will be constructed on new right-of-ways (ROWS) in association with the Lee Nuclear Station. Two transmission line corridors will be established to the south of the Lee Nuclear Station. Each corridor will contain a 525-kV line and a 230-kV line. Within each route the new lines will tie into existing lines and extend to the Lee Nuclear Station. The new 525-kV lines will extend from the Oconee-Newport 525-kV line and the new 230-kV lines will extend from the Pacolet Tie-Catawba 230-kV line.


Upon review of the project information, our species and habitat database, and a site visit conducted with Duke Energy on April 30, 2015, the Service determined that potential summer roosting habitat for the federally protected NLEB existed within the project area. During the summer, NLEB roosts singly or in colonies underneath bark, in cavities or in crevices of both live and dead trees. Trees of sufficient size which may provide roosting habitat for the species are found in three of the four major project areas: Lee Nuclear Site, Make-Up Pond C, and Associated Offsite Transmission Lines. During the site visit and through e-mail correspondence with Duke Energy, dated May 18, 2015, the Service agreed that the Railroad area was cleared prior to the listing of the NLEB and that no NLEB surveys were necessary in this portion of the project site. Energy Renewal Partners, Inc., conducted an acoustic survey within the Lee Nuclear Site and Make-Up Pond C to determine the presence/absence of NLEB during the roosting season in the proposed project areas currently owned by Duke Energy. According to the survey results, no NLEB were detected in the survey area. Duke Energy does not currently own the ROWs for the Associated Offsite Transmission Lines described in the Final Environmental Impact Statement and will acquire the property after receipt of the Combined Operating License. Duke Energy will address NLEB issues in this portion of the project area after acquiring the ROWs. Duke Energy's intent is to manage clearing of potential NLEB roosting habitat for the subject transmission lines by avoiding any possible take of NLEBs. This avoidance can be accomplished by clearing trees during the NLEB inactive season of November 15 to March 31.

It was determined that the proposed project may effect, but is not likely to adversely affect any federally endangered, threatened, or proposed species nor result in adverse modifications to designated or proposed critical habitat. The NLEB was not detected within the Lee Nuclear Site or Make-Up Pond C. However, the Associated Offsite Transmission Lines was not included in the NLEB survey area and contains potential roosting habitat. The Service concurred with the determination provided the following conditions be incorporated into the permit: (1) If clearing activities in this portion of the project area cannot be performed during this time frame, additional consultation will be required; and (2) All clearing activities in the Associated Offsite Transmission Lines project area must occur between November 15 and March 31 to avoid potential impacts to the NLEB.

Please note that obligations under section 7 of the ESA must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner, which was not considered in this assessment; or (3) a new species is listed or critical habitat is determined that may be affected by the identified action.

If you need further assistance, please contact Ms. Morgan Wolf at (843) 727-4707 ext. 219, and reference FWS Log No. 2015-I-0356.

Sincerely,


fw
Thomas D. McCoy
Field Supervisor

TDM/MKW