

Williamson, Alicia

From: Clouser, Megan L CIV USARMY CESAJ (US) <Megan.L.Clouser@usace.army.mil>
Sent: Thursday, July 06, 2017 12:21 PM
To: Williamson, Alicia
Cc: Holmes, Joshua R CIV USARMY CESAJ (US); Gilbert, Ingrid N CIV USARMY CESAJ (US)
Subject: [External_Sender] FW: Environmental Protection Plan Draft_Highlight.docx
Attachments: Environmental Protection Plan Draft_Highlight.docx

Good afternoon Alicia,

Just to clarify for the administrative record; the Avian Protection Plan would likely be included as a separate condition in our DA permit, should our authorization be granted. Typically we would also attach the standard manatee conditions and Eastern Indigo Snake conditions as special conditions as well even though those are included in the biological opinion. A little bit of overkill but I prefer to have it twice to make sure it's clear to everyone who reads this 10 years from now.

I'm also including the special condition we would likely use for our permit. I just copied this from a permit I issued last month. It would read something like this, with some project specific wording,

"14. Biological Opinion: This permit does not authorize the Permittee to take an endangered species, in particular the names of endangered species. In order to legally take a listed species, the Permittee must have separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or a BO under ESA Section 7, with "incidental take" provisions with which you must comply). The enclosed FWS Biological Opinion (BO) (Attachment X) contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO. Authorization under this permit is conditional upon compliance with all of the mandatory terms and conditions associated with incidental take of the enclosed BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with this permit. The FWS is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA."

Because there is so much information in the BO, we typically would not be pulling out portions and making them into special conditions. Rather, the above condition is how we would satisfy compliance under ESA. As far as the speed limits FWS is requiring, again, we would make the BO part of our permit and FWS is the entity responsible for determining compliance for their BO.

Hope this helps,
Megan

-----Original Message-----

From: Williamson, Alicia [mailto:Alicia.Williamson@nrc.gov]
Sent: Thursday, July 6, 2017 10:25 AM
To: Clouser, Megan L CIV USARMY CESAJ (US) <Megan.L.Clouser@usace.army.mil>
Subject: [Non-DoD Source] FW: Environmental Protection Plan Draft_Highlight.docx

Megan

Sorry to bother you but can you reply to this email and confirm the Corps is going to include the items highlighted in the attachment into their permit for this action? As we have already discussed via telephone and other emails?

I am bring requested to produce a document for the administrative record. :)

Thank you in advance.

Alicia

From: Williamson, Alicia
Sent: Thursday, June 29, 2017 1:45 PM
To: 'Clouser, Megan L SAJ' <Megan.L.Clouser@usace.army.mil>
Subject: Environmental Protection Plan Draft_Highlight.docx

Megan

Page 3 of the NRC's Environmental Protection Plan outlines the mitigation measures listed in the BO. A large number of items are outside of the NRC's regulatory authority. I have highlighted the items we would like to Corps to agree to include in there permit, if possible, in order to assure the FWS these items will be covered by one our agencies. The remaining item in the BO and ITS, not highlighted, will become NRC license conditions. Please take a look and let me know what you think. We can discuss at your leisure more details.

Hope you're having a great day.

Alicia

Alicia Williamson

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