



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
PLATEAU BUILDING, ROOM A-5  
50 SOUTH FRENCH BROAD AVENUE  
ASHEVILLE, NORTH CAROLINA 28801

November 5, 1981



Mr. Paul S. Check  
Director  
CRBR Program Office  
Office of Nuclear Reactor Regulation  
Nuclear Regulatory Commission  
Washington, DC 20555

Re: 4-2-82-047

Dear Mr. Check:

We have reviewed the proposed Clinch River Breeder Reactor Plant in Anderson County, Tennessee, as requested by letter of October 26, 1981, received October 29, 1981.

Federally listed Endangered (E) and/or Threatened (T) and/or species proposed for listing as Endangered (PE) or Threatened (PT) may occur in the area of influence of this action.

To facilitate compliance with Section 7(c) of the Endangered Species Act of 1973, as amended, Federal agencies or designated non-Federal representatives are required to obtain from the Fish and Wildlife Service information concerning the possible presence of any species, listed or proposed to be listed, which may be present in the impact area of a proposed major Federal action significantly affecting the quality of the human environment. Therefore, we are furnishing you the following list of species which may be present in the concerned area:

Gray bat (Myotis grisescens) - E  
White warty-back pearly mussel (Plethobasis cicatricosus) - E  
Dromedary pearly mussel (Dromus dromas) - E  
Yellow-blossom pearly mussel (Epioblasma florentina florentina) - E  
Fine-rayed pigtoe pearly mussel (Fusconaia cuneolus) - E  
Shiny pigtoe pearly mussel (Fusconaia edgariana) - E  
Pink mucket pearly mussel (Lampsilis orbiculata orbiculata) - E  
Orange-footed pearly mussel (Plethobasis cooperianus) - E  
Rough pigtoe pearly mussel (Pleurobema plenum) - E  
Birdwing pearly mussel (Conradilla caelata) - E  
Green-blossom pearly mussel (Epioblasma torulosa gubernaculum) - E  
Alabama lamp pearly mussel (Lampsilis virescens) - E  
Slender chub (Hybopsis cahnii) - T

In addition to listed and proposed Endangered and Threatened species, there are species which, although not now listed or officially proposed for listing as Endangered or Threatened, are under status review (SR) by the Service and may be listed at some time in the future. Status review species

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are not legally protected under the Endangered Species Act and the biological assessment requirements do not apply to them. However, we would appreciate any efforts you might make to avoid adversely impacting them. The following species under status review may occur within the project area:

Cimicifuga rubifolia

Saxifraga careyana

Spiny River snail (Io fluviatilis)

Section 7(c) and regulations being prepared to implement Section 7(c) also require the Federal agency or the designated non-Federal representative proposing a major Federal action to conduct and submit to the Service a biological assessment to determine the effects of the proposal on listed and proposed Endangered and Threatened species. The biological assessment shall be completed within 180 days after the date on which initiated or within a time frame mutually agreed upon between the agency and the Service and before initiating the proposed action. If the biological assessment is not begun within 90 days, this list must be verified informally (via phone) with us prior to initiation of your assessment. We do not feel that we can adequately assess the effects of the proposed action on listed and proposed Endangered and Threatened species or Critical Habitat without a complete assessment. When conducting a biological assessment, the Federal agency or the designated non-Federal representative must, at a minimum:

1. Conduct a scientifically sound on-site inspection of the area affected by the action, which must, unless otherwise directed by the Service, include a detailed survey of the area to determine if listed or proposed species are present or occur seasonally and whether suitable habitat exists within the area for either expanding the existing population or potential reintroduction of populations;
2. Interview recognized experts on the species at issue, including those within the Fish and Wildlife Service, the National Marine Fisheries Service, state conservation agencies, universities, and others who may have data not yet found in scientific literature;
3. Review literature and other scientific data to determine the species' distribution, habitat needs, and other biological requirements;
4. Review and analyze the effects of the action on the species, in terms of individuals and populations, including consideration of the cumulative effects of the action on the species and habitat;
5. Analyze alternative actions that may provide conservation measures;
6. Conduct any studies necessary to fulfill the requirements of (1) through (5) above;
7. Review any other relevant information.

Should you require additional information on this subject, please contact Mr. Gary Henry, Mr. Robert Currie, or Ms. Nora Murdock in the Asheville Area Office, FTS 672-0321, commercial 704/258-2850, ext. 321.

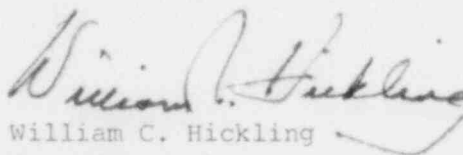
After the assessment has been completed and reviewed, it is the responsibility of the Federal agency to determine if the proposed action "may affect" any of the listed species or Critical Habitats or if it is likely to jeopardize the continued existence of proposed species or result in the destruction or adverse modification of any Critical Habitat proposed for such species. If the determination is "may affect" for listed species the Federal agency must request in writing formal consultation from this office. Requests for formal consultation must include: (1) a description of the action to be considered; (2) a description of the specific area that may be affected by the action; (3) a description of any listed species or Critical Habitat that may be affected by the action; (4) a description of the manner in which the action may affect any listed species or Critical Habitat and an assessment of any cumulative effects; (5) reports including any environmental impact statement, environmental assessment, or biological assessments prepared; and (6) any other relevant available information on the action, the affected listed species, or Critical Habitat.

In addition, if the proposed action is likely to jeopardize the continued existence of proposed Endangered or Threatened species or result in the destruction or adverse modification of proposed Critical Habitat, the Federal agency must confer with this office for assistance in identifying and resolving potential conflicts at an early stage in the planning process.

Attention is also directed to Section 7(d) of the Endangered Species Act, as amended, which underscores the requirement that the Federal agency and/or the permit or license applicant shall not make any irreversible or irretrievable commitment of resources during the consultation period which, in effect, would deny the formulation or implementation of reasonable alternatives regarding their actions on any listed Endangered or Threatened species.

If we can be of further assistance, please advise.

Sincerely yours,

  
William C. Hickling  
Area Manager

cc:

Mr. Bob Hatcher, Wildlife Res. Agency, Nashville, TN  
Program Administrator, TN Heritage Program, Nashville, TN  
Director, FWS, Washington, DC (OES)  
Regional Director, FWS, Atlanta, GA (ARD-FA/SE)  
Field Supervisor, ES, FWS, Cookeville, TN