

From: [Arlene, Briana](#)
To: ["Sarah_Quamme@fws.gov"](#); ["GreenBay@fws.gov"](#)
Cc: [Clark, Phyllis](#); [Imboden, Stacey](#); [Elliott, Robert](#)
Subject: NRC Request for Concurrence with Endangered Species Act Determination for Point Beach Subsequent License Renewal, Issuance of Draft Supplemental Environmental Impact Statement, and Opportunity for Public Comment (Consultation Code: 03E17000-2021-SLI-0702)
Date: Tuesday, November 9, 2021 8:15:00 AM



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

Dear Ms. Quamme:

The purpose of this email is to request your concurrence with the U.S. Nuclear Regulatory Commission (NRC) staff's determination that the proposed subsequent license renewal of Point Beach Nuclear Plant, Units 1 and 2 (Point Beach) in Manitowoc County, Wisconsin, may affect but is not likely to adversely affect (NLAA) the Great Lakes population of the piping plover (*Charadrius melodus*). This email describes the proposed action, summarizes the NRC staff's environmental review, and requests the U.S. Fish and Wildlife Service's (FWS) concurrence pursuant to Section 7 of the Endangered Species Act of 1973, as amended (ESA).

Proposed Action

Point Beach is a two-unit nuclear power plant located on the central western shore of Lake Michigan in Wisconsin. The Point Beach site is 1,260 acres. NextEra Energy Point Beach, LLC (NextEra) owns and operates the plant. NextEra also maintains several leases allowing leaseholders to cultivate crops and generate solar power on the site. The NRC issued facility operating licenses for Point Beach in October 1970 (Unit 1) and March 1973 (Unit 2). In 2005, the NRC issued renewed facility operating licenses authorizing an additional 20 years of plant operation through October 2030 (Unit 1) and March 2033 (Unit 2).

The NRC's current Federal action is to decide whether to issue subsequent renewed facility operating licenses for Point Beach authorizing an additional 20 years of operation. If the NRC grants NextEra subsequent renewed licenses, the company could continue to operate Point Beach until October 2050 (Unit 1) and March 2053 (Unit 2).

Draft Supplemental Environmental Impact Statement

In support of its review of the proposed action, the NRC staff prepared a draft supplemental environmental impact statement (SEIS) to comply with the National Environmental Policy Act of 1969, as amended (NEPA), and the NRC's environmental regulations at Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51 that implement NEPA. The draft SEIS addresses the environmental impacts of the proposed action and relevant alternatives to the proposed action. The NRC staff recently completed the draft SEIS, and it is available online at: [ML21306A226](#).

ESA NLAA Determinations

As part of its environmental review, the NRC staff evaluated impacts of the proposed action on federally listed species and critical habitats. The NRC's ESA analysis appears within the following sections of the draft SEIS.

- **Section 3.8.1.1** describes the ESA action area.
- **Section 3.8.1.2** describes the species' biology, habitat, distribution and relative abundance, and occurrence within the action area and designated critical habitat, as applicable.
- **Section 3.8.2.1** evaluates the potential for the proposed action to affect the species.
- **Section 3.8.2.3** addresses cumulative effects.
- **Appendix C.1** describes the NRC's obligations under Section 7 of the ESA and relevant correspondence with the FWS in connection with the NRC staff's review of the proposed action.

In Section 3.8.2.1 of the draft SEIS, the NRC staff finds that the proposed action is NLAA the northern long-eared bat (*Myotis septentrionalis*) (NLEB) and piping plover. The NRC staff evaluated the potential for these species to be affected by several stressors, all of which the staff determined would result in no more than insignificant or discountable effects. Potential stressors of the proposed action include mortality or injury from collisions with plant structures and vehicles; habitat loss, degradation, disturbance, or fragmentation, and associated effects; and behavioral changes resulting from refurbishment or other site activities.

FWS Concurrence under the NLEB 4(d) Programmatic Biological Opinion

The NRC staff used the FWS's Information for Planning and Conservation (IPaC) system to determine that the proposed action is consistent with the activities analyzed in the FWS's 2016 *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions*.⁽¹⁾ Within IPaC, the staff used the NLEB Determination Key to determine that although the proposed Point Beach subsequent license renewal may affect the NLEB, the insignificant and discountable effects that may occur from the proposed action are not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR 17.40(o). On February 9, 2021, the FWS provided the NRC with a letter verifying that the programmatic biological opinion satisfies and concludes the NRC's responsibilities for the proposed Point Beach subsequent license renewal under ESA Section 7(a)(2) with respect to the NLEB.⁽²⁾ Since that time, the NRC staff has not identified any new information that would affect this determination or require further consultation.

Request for FWS Concurrence Regarding the Piping Plover

Although the project's IPaC report⁽³⁾ does not identify the piping plover as occurring in the action area, the NRC consulted with the FWS on this species in 2004 during the NRC's environmental review for the Point Beach initial license renewal. During that consultation, NextEra developed and implemented a piping plover monitoring framework, and NextEra committed to performing piping plover breeding censuses in June of each year. NextEra began these surveys in 2005, and no piping plover individuals or nests have been identified on the Point Beach site since that time. Nonetheless, for the proposed Point Beach subsequent license renewal, the NRC staff conservatively assumed that piping plovers may occur in the action area from March to early September within areas of suitable beach habitat of sufficient width to support nesting and foraging. If present, individuals would occur very occasionally and in very low numbers. Based on its analysis, the staff concluded that the proposed action is NLAA the Great Lakes population of the piping plover. The staff's supporting analysis appears in the draft SEIS in the sections identified above.

The NRC staff requests your written concurrence with its NLAA determination for the piping plover in accordance with 50 CFR 402.13(c). Please provide your response electronically to the following email addresses: EndangeredSpecies@nrc.gov and Briana.Arlene@nrc.gov.

NEPA Comment Period and Public Meeting

With respect to the NEPA process, the NRC staff is currently seeking public comments on its draft SEIS through January 3, 2022. If you wish to submit NEPA comments on aspects of the draft SEIS unrelated to ESA Section 7 consultation, you may submit such comments either online or via U.S. mail. Information on how to submit NEPA public comments is available in the NRC's *Federal Register* notice: [86 FR 62220](#).

In connection with the NEPA public comment period, the NRC staff will hold a virtual meeting on December 8, 2021, at 2:00 p.m. Eastern Standard Time that will include a presentation on the staff's preliminary findings and an opportunity for members of the public to submit oral comments. Meeting details will be announced on the NRC's [public meeting website](#) in the near future.

Conclusion

Should you need to discuss the information in this email or if you require additional information concerning this project, please reach out to me by phone at 301-415-1042 or email at Briana.Arlene@nrc.gov.

Thank you,

Briana

Briana S. Arlene

Conservation Biologist & ESA Consultation Coordinator
Environmental Center of Expertise
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U.S. Nuclear Regulatory Commission

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References

1. U.S. Fish and Wildlife Service. Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions. January 5, 2016. 109 p. Available at <https://www.fws.gov/Midwest/endangered/mammals/nleb/pdf/BOnlebFinal4d.pdf> (accessed June 1, 2021).
2. U.S. Fish and Wildlife Service. Letter from Green Bay Ecological Services Field Office to B. Arlene, NRC. Subject: Verification letter for the Point Beach Nuclear Plant, Unit 1 and 2, Subsequent License Renewal project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions. February 9, 2021. Agencywide Documents Access and Management System (ADAMS) Accession No. [ML21040A485](#).
3. U.S. Fish and Wildlife Service. Letter from Green Bay Ecological Services Field Office to B. Arlene, NRC. Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project. February 9, 2021. ADAMS Accession No.

[ML21040A484.](#)

IPaC Consultation Code: 03E17000-2021-SLI-0702

Docket Nos.: 50-266 and 50-301

ADAMS Accession No.: ML21307A152

CONCURRENCE				
OFFICE	PM:ELRB:REFS	BC:ELRB:REFS	OGC(NLO)	CB:ELRB:REFS
NAME	PClark	RElliott	JWachutka	BArlene
DATE	11/02/2021	11/02/2021	11/03/2021	11/09/21
OFFICIAL RECORD COPY				