



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

JAN 30 2020

Briana Grange
Division of Rulemaking, Environmental, and Financial Support
Office of Nuclear Material Safety and Safeguards
Mail Stop: OWFN-11-F01
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: Endangered Species Act consultation – Surry Power Station Proposed License Renewal

Dear Ms. Grange:

We have completed our consultation under section 7 of the Endangered Species Act (ESA) in response to your October 17, 2019, request, as supplemented by your December 13, 2019, correspondence, regarding the above-referenced proposed project. We reviewed your consultation request document and related materials. Based on our knowledge, expertise, and the materials you submitted, we concur with your conclusion that the proposed action is not likely to adversely affect any NMFS ESA-listed species or critical habitat. Therefore, no further consultation pursuant to section 7 of the ESA is required.

We agree with your description of listed species and critical habitat. We agree with your rationale in making the “not likely to adversely affect” determination and agree that your analysis of the effects of the action when added to baseline conditions supports your “not likely to adversely affect” determination. We agree that you based your determinations on the best available scientific and commercial information. However, we are clarifying our understanding of your determinations regarding the effects of future dredging of the intake canal, as explained below.

As described in the DEIS (p. 4-82), Dominion performs maintenance dredging in the intake canal every three to four years and will continue to do so during the proposed license renewal term. We agree with your determination that effects to ESA listed sturgeon are insignificant and/or extremely unlikely. Your conclusions regarding effects from maintenance dredging to critical habitat designated for the Chesapeake Bay DPS of Atlantic sturgeon are unclear. Maintenance dredging will remove soft sediments to restore necessary depths in the intake canal and will displace or destroy associated benthic invertebrates. Here we consider the effects to the relevant physical and biological features (PBF; PBFs 2, 3, and 4, as 1 is not present in the action area).

In considering effects to PBF 2, we consider whether the proposed action will have any effect on areas of soft substrate within transitional salinity zones between the river mouth and spawning sites for juvenile foraging and physiological development; therefore, we consider effects of the action on soft substrate and salinity and any change in the value of this feature in the action area. Maintenance dredging will have no effect on salinity and will not result in any change in



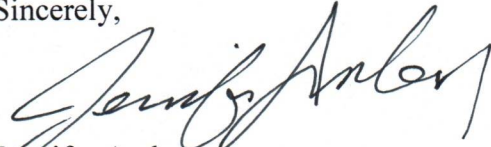
substrate type. Soft substrates that have shifted into the intake canal over time are periodically removed with a cutterhead dredge. Once these deposits are removed, soft sediment remains in the intake canal. The substrate types affected (silt, sand and mud) are the dominant substrate types throughout the action area. The area subject to maintenance dredging (2,000 feet by 150 feet) is an extremely small portion of the available soft substrate in the action area. There is no information to suggest that the intake canal is of a higher value for foraging than other adjacent and surrounding areas of soft substrate. The only time when the area would not be available for use by sturgeon would be the few days every three to four years when dredging occurs.

In considering the effects of these impacts, we consider the effect on the value of the habitat for the conservation of the species. In the case of this feature, we first consider the effects that these habitat alterations have on juvenile foraging and physiological development in the action area. There will be no alterations to the salinity gradient, and the impacts to soft substrate will not impact access to the transitional salinity zone in the James River. Given that the effects to soft substrate will be: 1) limited to a very small area of soft substrate in an area with abundant soft substrate; 2) temporary and intermittent; 3) outside of the deeper parts of the action area where juvenile sturgeon most often occur; and, 4) the amount of benthic resources for foraging lost due to occasional dredging will be insignificant due to the very small size of the area affected and the expected rapid recolonization from adjacent unaffected areas; any effects of habitat alterations that will effect juvenile foraging or physiological development will be so small that they cannot be meaningfully measured, evaluated or detected. Therefore, any effects to the value of PBF 2 to the conservation of the species in the action area will be so small that they cannot be meaningfully measured, detected or evaluated and effects to PBF 2 are insignificant.

Maintenance dredging will have no effect on PBF 3 as it will not alter the area in a way that affects the movement of sturgeon in the action area; tracking studies confirm that sturgeon move freely through and around areas subject to cutterhead dredging. Maintenance dredging will also have no effect on PBF 4 as it will not affect the temperature, salinity, or level of dissolved oxygen in the action area. As all effects to critical habitat will be insignificant, the proposed action, inclusive of maintenance dredging in the intake canal, is not likely to adversely affect critical habitat designated for the Chesapeake Bay DPS of Atlantic sturgeon. We agree that it will be appropriate for the U.S. Army Corps of Engineers to consider the effects to Atlantic sturgeon and their critical habitat when they propose to authorize future maintenance dredging of the intake canal. We address reinitiation criteria in the paragraph below.

Reinitiation of consultation is required and shall be requested by the Federal agency or by the Service, where discretionary Federal involvement or control over the action has been retained or is authorized by law and: (a) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered in the consultation; (b) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation; or (c) If a new species is listed or critical habitat designated that may be affected by the identified action. No take is anticipated or exempted. If there is any incidental take of a listed species, reinitiation would be required. Should you have any questions about this correspondence please contact Julie Crocker at (978) 282-8480 or by email at Julie.Crocker@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Anderson". The signature is fluid and cursive, with the first name "Jennifer" written in a larger, more prominent script than the last name "Anderson".

Jennifer Anderson
Assistant Regional Administrator
for Protected Resources

EC: Crocker, Vaccaro – F/GAR3
O'Brien, Greene – F/GAR4

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