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Docket Nos. 50-275 ✓
and 50-323

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Applicant/Service
list

Mr. William H. Meyer
Acting Regional Director
Fish and Wildlife Service
United States Department of
the Interior
Lloyd 500 Building, Suite 1692
500 N.E. Multnomah Street
Portland, Oregon 97232

Dear Mr. Meyer:

In response to your letter of October 23, 1979, to Mr. Don Sells of NRC, requesting consultation about five endangered species in connection with the operation of the Diablo Canyon Nuclear Power Plant (DCNPP), we arranged a meeting on January 8, 1980 with Gail Kobetich and other personnel of the Fish and Wildlife Service at your Sacramento office. Mr. Lawrence Laurent and other representatives of the California Department of Fish and Game were also present (See enclosure).

Based on the results of that meeting, we are formally requesting a determination by your office pursuant to Section 7 of the Endangered Species Act, Public Law 93-205, as amended by Public Law 95-632, as to the effects of the operation of the Diablo Canyon Nuclear Generating Station on the five endangered species listed below:

- California brown pelican, Pelecanus occidentalis californicus
- American peregrine falcon, Falco peregrinus anatum
- California least tern, Sterna albifrons browni
- Southern sea otter, Enhydra lutris nereis
- Gray whale, Eschrichtius robustus

In particular, we solicit your opinion on whether plant operation would result in any effect on critical habitat or would jeopardize the continued existence of any of these five species.

In preparation for the meeting of January 8, 1980, our technical staff reviewed the predicted environmental impacts of the operation of the Diablo Canyon plant on the endangered marine and avian species. The physical effects were briefly discussed at the meeting by Dr. S. S. Kirsliis of the NRC and the impacts of the physical effects on biota were discussed by Dr. Thomas L. Cain, a biologist on the NRC staff. Mr. Laurent discussed the monitoring programs being carried out by the California Department of Fish and Game, as they had bearing on the endangered species question. (S)
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Mr. Kobetich and Mr. Swanson of the Fish and Wildlife Service reviewed the requirements of the Endangered Species Act and pointed out that consultation with the concerned agencies was required whether the effects of plant operation were adverse or beneficial. Mr. Kobetich requested copies of all Pacific Gas and Electric Company reports on baseline studies of biota in Diablo Cove and on model studies of thermal plumes and ocean currents. These reports will be sent to your office.

From the discussions at the January 8, 1980 meeting, it appeared that the effects if any, of plant operation on the five endangered species would be minor and indirect, through impacts on the food web involving these species. The species most likely to be affected was the sea otter, which feed on sea urchins and abalone, which in turn feed on kelp. Growth of kelp in Diablo Cove will be affected by foam generated by the plant discharge flow and by a warm water discharge into Diablo Cove. Mr. Maxwell of the California Department of Fish and Game commented that the range of the otter up and down the Pacific Coast is so large that the otter would not be seriously affected even if the Diablo Cove habitat were completely eliminated.

In connection with one of the five species mentioned in your October 23, 1979 letter, we received a letter from Mr. Gerald V. Howard of the National Marine Fisheries Service to the effect that their service could see no threat to the continued existence of the gray whale from the operation of the Diablo Canyon plant. We have enclosed a copy of this letter.

With respect to the three bird species, the Diablo Canyon area is a small part of their range and does not appear to be a critical habitat. The effect of plant operation on the food webs of these birds is as likely to be beneficial as adverse.

The opinions given above were stated by representatives of the NRC and of the California Department of Fish and Game. You may wish to consider these opinions in the process of reaching your own official determination of plant operation effects on endangered species.

If you have any questions regarding this matter, please contact Dr. S. S. Kirsliis, Environmental Project Manager, Nuclear Regulatory Commission, Washington, D. C. 20555, who may be reached by telephone one (301) 492-8426.

Sincerely,
Original signed by
Ronald L. Ballard

for
Wm. H. Regan, Jr. Acting Assistant
Director for Environmental Projects
Division of Site Safety and
Environmental Analysis

- Enclosures:
1. List of Attendees
 2. Ltr 1/2/80 fm National Marine Fisheries

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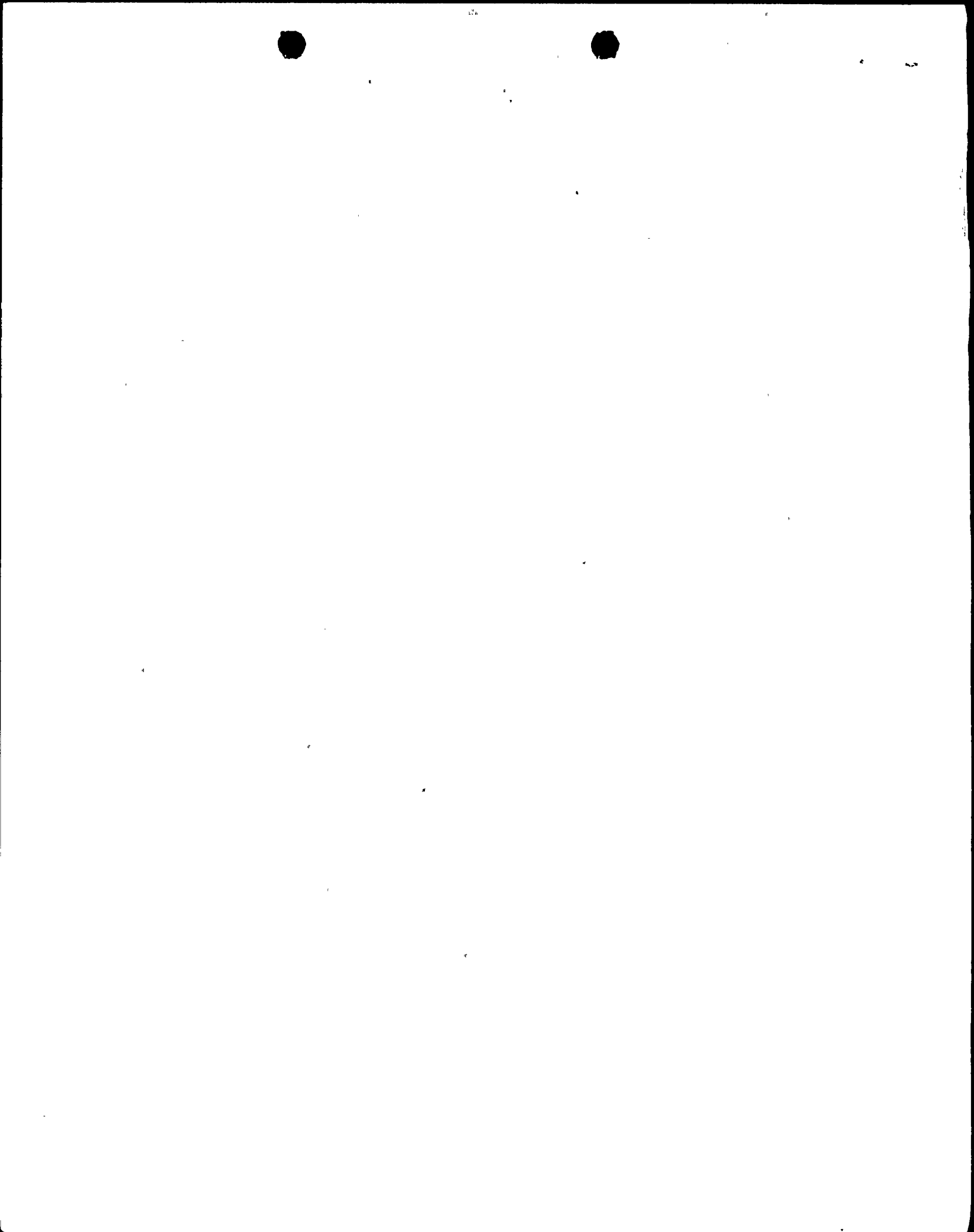
Mr. William H. Meyer

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cc: Fish and Wildlife Service
ATTN: Mr. Gail Kobetich
2800 Cottage Way
Sacramento, California 95825

National Marine Fisheries Service
ATTN: Mr. Jim Lecky
300 South Ferry Street
Rm. 2016 Terminal Island
Los Angeles, California 90731

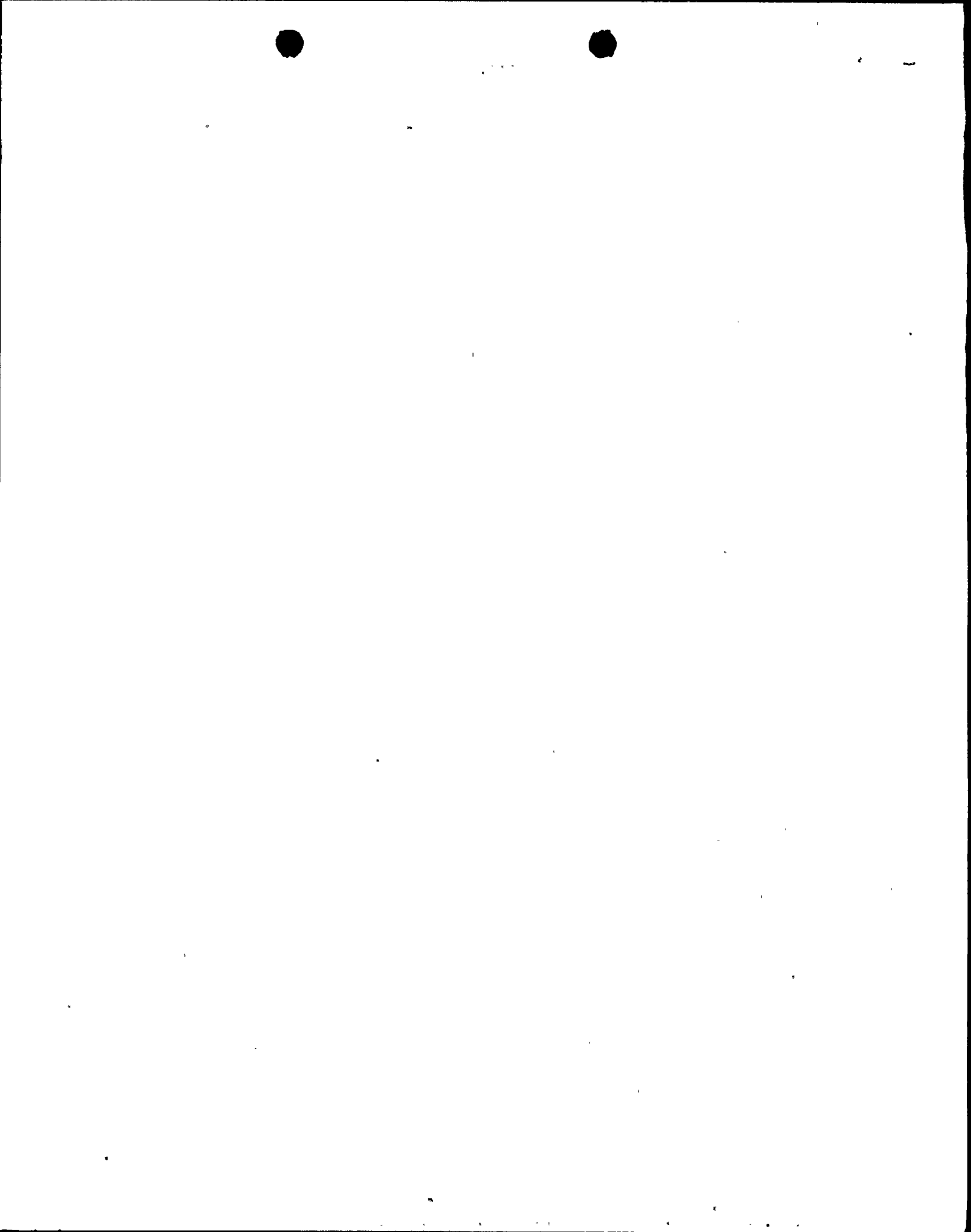
California Department of Fish and Game
ATTN: Mr. Daniel W. Gotshall
P. O. Box 98
Avila Beach, California 93424



Enclosure 1

List of Attendees
Meeting with Fish and Wildlife Service, Sacramento, CA
January 8, 1980, Regarding Endangered Species at
Diablo Canyon Nuclear Plant

Carl Benz	U.S. FWS	2800 Cottage Way Sacramento, CA	916-484-4106
Bill Maxwell	CA Fish & Game	1416 Ninth St. Sacramento, CA	916-445-8386
Alan Craig	CA Fish & Game	"	916 322-1411
Stan Kirslis	U.S. NRC, Environmental Project Manager		(301)FTS 492-8426
Tom Cain	U.S. NRC, Biologist		(301)FTS 492-8568
Marc Staenberg,	U.S. NRC, Office of the Legal Director		
Bud Laurent	CA Fish & Game	Diablo Canyon	805 595-7363
Ronald L. Ballard	U.S. NRC, Chief Environmental Projects Branch 1		
Ralph G. Swanson	U.S. FWS	Sacramento, CA	916 484 4106
Gail C. Kobetich	U.S. FWS	Sacramento, CA	FTS 468-4106



Enclosure 2

NATIONAL MARINE FISHERIES SERVICE

Southwest Region
500 South Ferry Street
Terminal Island, CA 90731

January 2, 1980

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William H. Regan, Jr.
Acting Assistant Director
for Environmental Projects and Technology
Division of Site Safety and
Environmental Technology
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Regan:

In response to your November 30, 1979 request for formal consultation under Section 7 of the Endangered Species Act of 1973, as amended, we have reviewed the information you submitted to this office, and find that the operation of the nuclear generating station at Diablo Canyon, California is not likely to jeopardize the continued existence of any of the threatened or endangered species under the purview of the National Marine Fisheries Service.

The gray whale (Eschrichtius robustus) is the only endangered species for which we are responsible that we would expect to find in the project area. Southward migrating gray whales may be found off the central California coast from about mid-November through mid-January. Gray whales on their northward migration pass central California from early March through late May. The majority of these whales migrate within a few kilometers of the shore (Rice and Wolman, 1971, Life History and Ecology of the Gray Whale (Eschrichtius robustus) Spec. Pub. 3 Amer. Soc. Mamm. 141 pp.), and some of them may encounter the 2° or 4°F above ambient isotherm of the thermal plume emanating from the plants cooling system and the pollutants being carried out to sea by that plume. Although the whales may be able to detect the change in temperature we do not expect the plume to interfere with their migration. Since gray whales either do not feed or feed very little while migrating we would expect negligible impacts from contact with pollutants in the concentrations described in the Final Environmental Impact Statement and its addendum.

Other endangered cetaceans that occur offshore from the project area are:

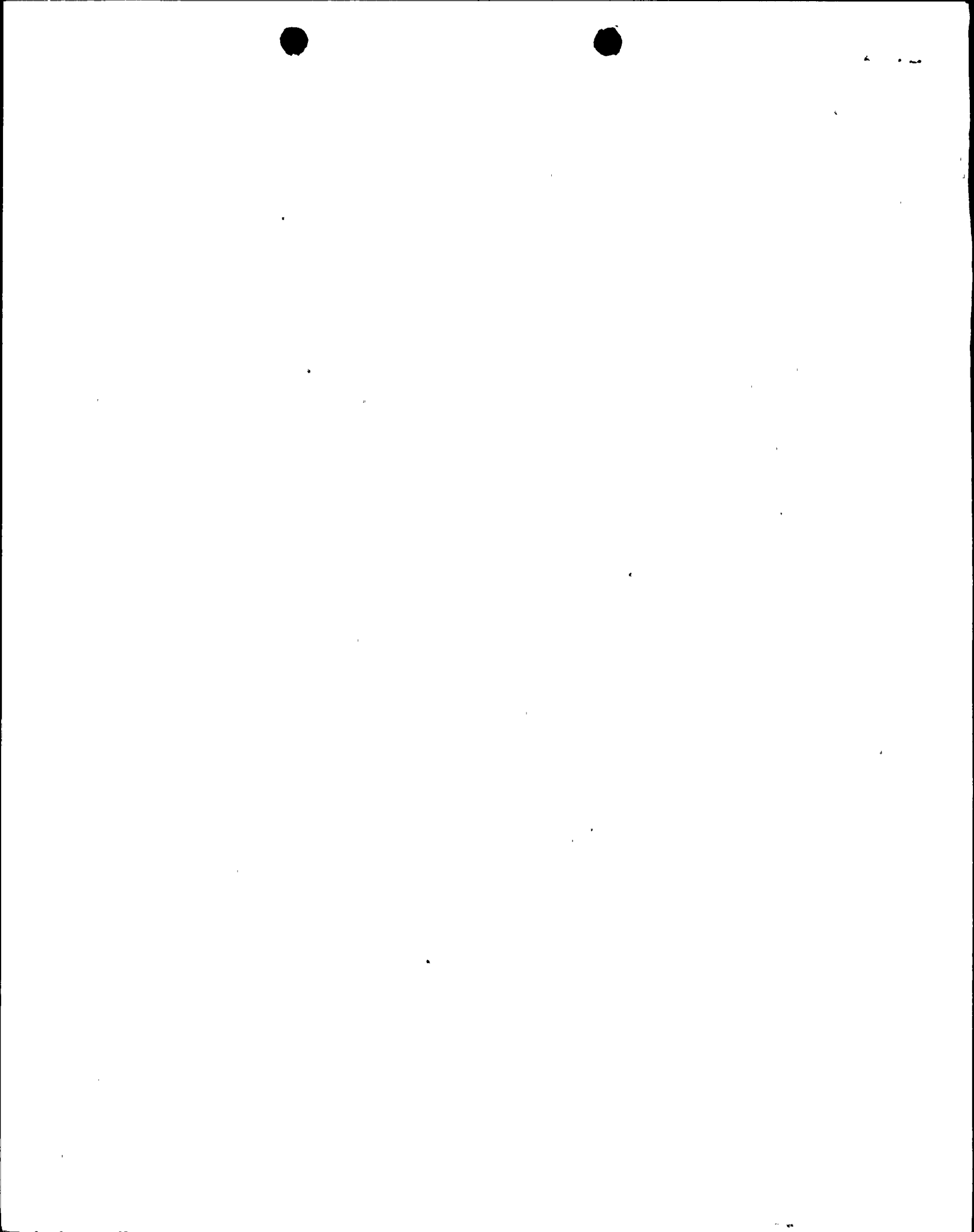
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|----------------|-------------------------------|
| Humpback whale | <u>Megaptera novaeangliae</u> |
| Sperm whale | <u>Physeter catodon</u> |

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January 2, 1980

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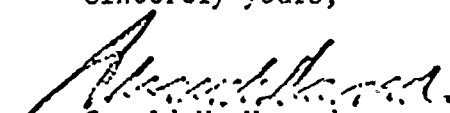
Right whale	<u>Balaena glacialis</u>
Blue whale	<u>Balaenoptera musculus</u>
Fin whale	<u>Balaenoptera physalus</u>
Sei whale	<u>Balaenoptera borealis</u>

These whales are generally more pelagic than the gray whale and are not expected to be impacted by the project.

Three species of endangered sea turtles (hawksbill sea turtle, Eretmochelys imbricata; green sea turtles; Chelonia mydas; Pacific Ridley Sea Turtle, Lepidochelys olivacea) and one species of threatened sea turtle (logger-head sea turtle, Caretta caretta) may occasionally pass through the project area. These are animals at the northern limits of their ranges, and although the possibility exists that a sea turtle may encounter the thermal plume and follow it into Diablo Cove the probability of that happening appears very low. We expect the project will have negligible impacts on the eastern Pacific sea turtle populations.

In the event that additional information indicating the project is adversely impacting any of the above mentioned species becomes available, we recommend further consultation be initiated.

Sincerely yours,



Gerald V. Howard
Regional Director



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