

Response to DNR Data Request No. 1
Maryland Public Service Commission Case No. 9127
UniStar Nuclear Energy, LLC and UniStar Nuclear Operating Services, LLC

Question 1-9

Please provide the methods and rationale used to calculate the UniStar proposed mitigation for impacts to wetlands that would result from construction of CCNPP Unit 3 on the South parcel (Option 4). UniStar is apparently proposing a total of 7 acres of wetland forest mitigation (creation) on the CCNPP site (Technical Report, page 5-70), and “up to” 17 acres of forested wetland restoration off site (Technical Report, page 5-71). Please provide a concise forest mitigation plan that details location(s), species to be planted, and values lost and replaced.

RESPONSE

On January 14-15, 2008, the USACE visited the South parcel to review the jurisdictional waters (wetlands and streams) delineation. Based on the USACE’s review, some of the areas previously identified as impacted wetlands may be non-jurisdictional, which reduces the amount of potential impacts that may need to be mitigated. In addition, USACE requested that impacts to streams be calculated separately from impacts to wetlands and requested a mitigation ratio of 1:1 for stream impacts. During the site visit, USACE suggested that it prefers the mitigation strategy for impacts to wetland hardwood forest area be based on controlling the invasive Phragmites growing in the floodplains and by replanting the floodplains (i.e., enhancing) with hardwood species indigenous to the area. A mitigation ratio for wetland impacts was not discussed; however, UniStar proposes a wetland enhancement ratio of 3:1.

Based on the USACE initial review and comments, UniStar is in the process of re-addressing mitigation needs and revising the strategy for the site to replace lost functions and values. As part of the permitting process, a Phase I Mitigation Plan will be submitted by March 31, 2008. The Plan will include the methods and rationale used to calculate the proposed mitigation for impacts to wetlands. Specifically, the Plan will address the mitigation strategy for wetland hardwood forest including species to be planted and the replacement of lost values.