IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE
East Lansing Field Office (ES)
2651 Coolidge Road, Suite 101
East Lansing, Michigan 48823-6316

March 23, 2004

Mr. Pao-Tsin Kuo
Program Director
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Endangered Species List Request, Proposed Renewal of Operating Licenses for Donald C. Cook Nuclear Plant, Units 1 and 2 (CNP), Berrien, Cass, and Van Buren Counties, Michigan

Dear Mr. Kuo:

Thank you for your March 1, 2004 request for information regarding federally listed and proposed threatened and endangered species, species of concern, and critical habitat for the renewal of operating licenses for CNP by the U.S. Nuclear Regulatory Commission (NRC). Your request and this response are made pursuant to section 7 of the Endangered Species Act of 1973, as amended (the Act).

We understand that NRC is reviewing an application submitted by Indiana Michigan Power Company (I&M) for licenses renewal for CNP. The proposed action would include the continued use and maintenance of existing plant facilities and transmission lines in several locations in Berrien, Cass and Van Buren Counties, Michigan. The proposed action will not result in new construction or disturbance or change in operations.

Endangered Species Act Comments

Our records indicate that the candidate eastern massasauga rattlesnake (*Sistrurus catenatus catenatus*) may occur in general vicinity of the proposed action areas in southeastern Berrien County. While the Act does not extend protection to candidate species, we encourage their consideration in resource planning. Avoidance of unnecessary impacts to candidate species will reduce the likelihood that they will require the protection of the Act in the future.

Candidates that may be proposed and listed in the future are included as advanced notice to federal agencies or their designees. If early evaluation of your project indicates that it is likely to adversely impact a candidate, your agency may request technical assistance from this office.

Eastern massasauga habitat is typically associated with shallow wetland systems. The rattlesnake prefers habitat with open canopy and a sedge or grass ground cover. Sphagnum moss is also often a significant component of the substrate. Appropriate management for massasauga involves maintaining prairie, bog, woodland, and peat ecosystems in a natural state.

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The Michigan Department of Natural Resources protects the massasauga rattlesnake through Part 365, Endangered Species Protection, of the Natural Resources and Environmental Protection Act, 1994, PA 451. Please contact the Endangered Species Coordinator of the MDNR at (517)373-1263 with questions concerning the protection of threatened and endangered species under State law. The State law requires permits in advance of any work that could potentially damage, destroy, or displace State-listed species.

This precludes the need for further action on this project as required by section 7 of the Act. If the project is modified or new information about the project becomes available that indicates listed species or critical habitat may be affected in a manner or to an extent not previously considered, you should reinitiate consultation with this office.

We appreciate the opportunity to provide these comments. Please refer any questions directly to Tameka Dandridge of this office at (517) 351-8315 or the above address.

Sincerely,

Craig A. Czarnecki
Field Supervisor

cc: Michigan Department of Natural Resources, Wildlife Division, Lansing, MI
(Attn: Lori Sargent)

UNITED STATES DEPARTMENT
OF THE INTERIOR

U.S. Fish and Wildlife Service
East Lansing Field Office (ES)
2651 Coolidge Road, Suite 101
East Lansing, MI 48823

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