



United States Department of the Interior



FISH AND WILDLIFE SERVICE
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IN REPLY REFER
TO:

FWS/RIFO

52-007

April 6, 2004

Mr. Pao-Tsin Kuo, Program Director
License Renewal and Environmental Impacts
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Kuo:

This responds to your letter of March 17, 2004, requesting our comments on the application for an early site permit for the Clinton ESP Site submitted by Exelon Generation Company, LLC. The preferred location of the new unit(s), if built, would be the existing Clinton Power Station (CPS) site near the town of Clinton in DeWitt County, Illinois. In this letter we will provide information regarding the presence of threatened and/or endangered species for DeWitt County, as well as Ogle, Grundy, LaSalle and Rock Island Counties.

To facilitate compliance with Section 7(c) of the Endangered Species Act of 1973, as amended, Federal agencies are required to obtain from the Fish and Wildlife Service information concerning any species, listed or proposed to be listed, which may be present in the area of a proposed action. Therefore, we are furnishing you the following list of species which may be present in the concerned area:

<u>Classification</u>	<u>Common Name (Scientific Name)</u>	<u>Habitat</u>
Protected	Bald eagle (<i>Haliaeetus leucocephalus</i>)	Breeding, wintering
Endangered	Indiana bat (<i>Myotis sodalis</i>)	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
Endangered	Karner blue butterfly (<i>Lycæides Melissa samuelis</i>)	Pine barrens and oak savannas on sandy soils and containing wild lupines

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		(<i>Lupinus perennis</i>), the only known food plant of the larvae
Endangered	Higgins' eye pearly mussel (<i>Lampsilis higginsii</i>)	Mississippi River; Rock River to Steel Dam
Threatened	Prairie bush clover (<i>Lespedeza leptostachya</i>)	Dry to mesic prairies with gravelly soil
Threatened	Eastern prairie fringed orchid (<i>Platanthaera leucophaea</i>)	Mesic to wet prairies

The threatened bald eagle (*Haliaeetus leucocephalus*) is listed as breeding Ogle County. It is also listed as wintering along large rivers, lakes and reservoirs in DeWitt, Grundy, LaSalle, Ogle, and *Rock Island Counties in Illinois (* counties that contain night roosts).

During the winter, this species feeds on fish in the open water areas created by dam tailwaters, the warm water effluents of power plants and municipal and industrial discharges, or in power plant cooling ponds. The more severe the winter, the greater the ice coverage and the more concentrated the eagles become. They roost at night in groups in large trees adjacent to the river in areas that are protected from the harsh winter elements. They perch in large shoreline trees to rest or feed on fish. There is no critical habitat designated for this species. The eagle may not be harassed, harmed, or disturbed when present nor may nest trees be cleared.

The endangered Indiana bat (*Myotis sodalis*) is known to occur in LaSalle County, Illinois. Potential habitat for this species occurs statewide, therefore, Indiana bats are considered to potentially occur in any area with forested habitat.

Indiana bats migrate seasonally between winter hibernacula and summer roosting habitats. Winter hibernacula include caves and abandoned mines. Females emerge from hibernation in late March or early April to migrate to summer roosts. Females form nursery colonies under the loose bark of trees (dead or alive) and/or cavities, where each female gives birth to a single young in June or early July. A maternity colony may include from one or more individuals. A single colony may utilize a number of roost trees during the summer, typically a primary roost tree and several alternates. Some males remain in the area near the winter hibernacula during the summer months, but others disperse throughout the range of the species and roost individually or in small numbers in the same types of trees as females. The species or size of tree does not appear to influence whether Indiana bats utilize a tree for roosting provided the appropriate bark structure is present. However, the use of a particular tree does appear to be influenced by weather conditions, such as temperature and precipitation.

During the summer, the Indiana bat frequents the corridors of small streams with riparian woods as well as mature upland forests. It forages for insects along stream corridors, within the canopy of floodplain and upland forests, over clearings with early successional vegetation

(old fields), along the borders of croplands, along wooded fencerows, over farm ponds and in pastures.

Suitable summer habitat in Illinois is considered to have the following characteristics within a ½ mile radius of a project site:

- 1) forest cover of 15% or greater;
- 2) permanent water;
- 3) one or more of the following tree species: shagbark and shellbark hickory that may be dead or alive, and dead bitternut hickory, American elm, slippery elm, eastern cottonwood, silver maple, white oak, red oak, post oak, and shingle oak with slabs or plates of loose bark;
- 4) potential roost trees with 10% or more peeling or loose bark

If the project site contains any habitat that fits the above description, it may be necessary to conduct a survey to determine whether the bat is present. If Indiana bats are known to be present, they must not be harmed, harassed or disturbed when present. **Large-scale habitat alterations within known or potential Indiana bat habitat should not be permitted without a bat survey and/or consultation with this office as indicated below.**

If the project site contains any habitat that fits the above description, it may be necessary to conduct a survey to determine whether the bat is present. If Indiana bats are known to be present, they must not be harmed, harassed or disturbed when present. **Large-scale habitat alterations within known or potential Indiana bat habitat should not be conducted without a bat survey and consultation with this office.** "Mist Netting Guidelines" can be obtained from our office.

Minor alterations of Indiana bat habitat (i.e., timber stand improvement or clearing of small stands) should be limited to non-maternity periods between the dates of September 16 and April 14.

The endangered Karner blue butterfly (*Lycaeides melissa samuelis*) is currently known to occur only in Lake County, Illinois. However, potential habitat may be found in Ogle County, based on the historic distribution of the wild lupine plant *Lupinus perennis*. This plant is the only known food source for the larval stage of this species.

The endangered Higgins' eye pearly mussel (*Lampsilis higginsii*) is listed for the Mississippi River north of Lock and Dam 20 which includes Rock Island County, Illinois. This species prefers sand/gravel substrates with a swift current and is most often found in the main channel border or an open, flowing side channel.

While there is no designated critical habitat, the Higgins' eye Recovery Team has designated habitats essential to the recovery of the species. These areas include Cordova, Rock Island

County, Illinois (river mile 503-505.4L); and Sylvan Slough, Rock Island, Illinois (river mile 485.4-486L).

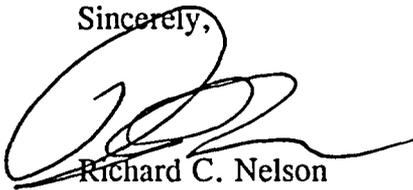
The State of Illinois has also designated certain mussel refuge areas that contain this species. Their regulations would affect the commercial harvest of mussels on these refuges. If project is located near a known Higgins' eye mussel bed, it may be necessary to conduct a survey to determine the presence of the species.

The prairie bush clover (*Lespedeza leptostachya*) is listed as threatened in Ogle County, Illinois. It occupies dry to mesic prairies with gravelly soil. There is no critical habitat designated for this species. Federal regulations prohibit any commercial activity involving this species or the destruction, malicious damage or removal of this species from Federal land or any other lands in knowing violation of State law or regulation, including State criminal trespass law. This species should be searched for whenever prairie remnants are encountered.

The eastern prairie fringed orchid (*Platanthera leucophaea*) is listed as threatened for Grundy County, Illinois. It may potentially occur in Ogle County, Illinois. It occupies wet grassland habitats. There is no critical habitat designated for this species. Federal regulations prohibit any commercial activity involving this species or the destruction, malicious damage or removal of this species from Federal land or any other lands in knowing violation of State law or regulation, including State criminal trespass law. This species should be searched for whenever wet prairie remnants are encountered.

These comments provide technical assistance only and do not fulfill the requirements under Section 7 of the Endangered Species Act of 1973, as amended, unless you have been designated, in writing, to the Regional Director of the U.S. Fish and Wildlife Service, Region 3, by the appropriate Federal agency, as a non-Federal representative for the purposes of conducting informal consultation on the subject Federal action, pursuant to 50 CFR 402.08. This letter provides comments under the authority of and in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.). If you have questions, please contact Heidi Woeber of my staff at (309)793-5800, ext. 209.

Sincerely,



Richard C. Nelson
Supervisor