



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Green Bay ES Field Office
2661 Scott Tower Drive
New Franken, Wisconsin 54229-9565
Telephone 920/866-1717
FAX 920/866-1710

August 5,, 2004

Dr. Pao-Tsin Kuo
Program Director
License Renewal and Environmental Impacts Program
Office of Nuclear Reactor Regulation
Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Dr. Pao-Tsin Kuo:

Your May 5, 2004 letter (received May 10, 2004) requested a list of species and information on the protected, proposed, and candidate species and critical habitat that may be in the vicinity of the Point Beach Nuclear Plant (Plant) and its associated transmission line corridors (Project). In a February 26, 2004 letter to the Nuclear Management Company LLC and copied to Mr. William Dam of the Nuclear Regulatory Commission (Commission), the U.S. Fish and Wildlife Service (FWS) identified the need for a more detailed map of the Project area, one that depicted the Project boundaries more precisely. Your letter attached a map that was also not detailed enough for the FWS to query the Wisconsin Department of Natural Resources' Natural Heritage Inventory database, to obtain information regarding species or habitats that may be in the vicinity of the Project. However, a more detailed map was submitted by the Nuclear Management Company LLC, in a letter dated May 18, 2004 (received by the FWS May 21, 2004), and the FWS relied on that map to prepare this response.

Our understanding is that no Federally-listed threatened or endangered species, proposed species, candidate species, or designated or proposed critical habitat occur within the Project area at this time. However, it is possible that habitats within or near the Project may be used in the future by listed, proposed, or candidate species that are not present within the Project area at this time. For example, while the Federally-listed (endangered) piping plover (*Charadrius melodus*) is currently rare along the Wisconsin shore of Lake Michigan, expanding populations in Michigan increase the likelihood it will disperse and occur with greater frequency in Wisconsin. In our February 26, 2004 letter to the Nuclear Management Company, the FWS recommended evaluation of the shoreline habitat near the Plant, to assess its suitability to the piping plover. The FWS also recommended the description of potential measures to control the levels of human disturbance in any habitats deemed suitable.

A response pertaining to these recommendations, by Dr. Noel Cutright of We Energies (dated May 12, 2004 and addressed to Gary Van Middlesworth of the Nuclear Management Company), was delivered to the FWS Green Bay Ecological Services Field Office as an attachment to a

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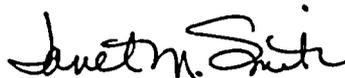
letter from the Nuclear Management Company LLC to the FWS, dated May 18, 2004. Dr. Cutright clarifies that no formal species surveys or habitat evaluations have been conducted at the Plant or its associated lands (p. 1). Regarding the piping plover, Dr. Cutright agrees that this species may occupy or nest on the Plant beach area over the term of the new license (p. 2). Regarding controls on human disturbance, Dr. Cutright notes the presence of boulders at the north and south shoreline boundaries, offshore buoy markers to identify restricted waters near the Plant, and the presence of security personnel to prevent unauthorized access (p. 2). Dr. Cutright concludes that other than restricted beach access along the Plant, there do not appear to be other factors that would make the Project shoreline any more attractive to nesting piping plovers than shoreline north or south (p. 2).

As in our February 26, 2004 letter to the Nuclear Management Company, the FWS recommends evaluation of the shoreline habitat near the Plant, to assess its suitability to the piping plover; we are not recommending evaluation of shoreline outside the Project boundaries, north or south of the Plant. The shoreline location of the Point Beach Nuclear Plant, its restricted access (that reduces human disturbances), its proximity to 5 miles of designated critical habitat along the nearby Point Beach State Forest, and low Lake Michigan surface elevations collectively suggest that habitat could be suitable near the Plant for plovers to occupy or nest there in the future. Dr. Cutright agrees that plovers may occupy or nest on the Plant beach area over the term of the new license. An on-site, shoreline evaluation would reveal the presence or absence of factors (e.g., habitat elements) relevant to its attractiveness to plovers, and may also suggest measures to enhance habitat suitability. Procedures should be developed to notify resource agency personnel and provide timely access to the shoreline along the Plant, in the event that plovers occupy or nest there. Measures to control disturbances or nest predation (e.g., by erecting an enclosure) should be proposed, as well as additional monitoring requirements that may be warranted if nests appear.

To avoid delay and confusion, the recommendations discussed above and in our February 26, 2004 letter should be discussed between the Commission (the federal action agency) and the Nuclear Management Company LLC (the non-federal entity in the informal consultation process). Following that coordination, we suggest the Commission contact the FWS to discuss our recommendations and your suggestions for how to proceed. The FWS understands that our point-of-contact with the Commission on this matter is no longer William Dam or Jim Wilson, but is now Stacey Imboden. When the Commission contacts the FWS to consult further on this matter, we can confirm on this point.

Please continue to direct issues regarding this matter to Larry Thompson of my staff at (920) 866-1736, or you may contact me at (920) 866-1725.

Sincerely,



Janet M. Smith
Field Supervisor

cc: Wisconsin DNR
Nuclear Management Company LLC