



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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January 31, 2005

Dr. Pao-Tsin Kuo
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation
United States Nuclear Regulatory Commission
Washington, D.C. 20555-0001

re: Request for Concurrence
Biological Assessment for Point Beach
Nuclear Plant
Units 1 and 2 License Renewal
Manitowoc County, Wisconsin

Dear Dr. Kuo:

This letter responds to your November 22, 2004 request for U.S. Fish and Wildlife Service (Service) concurrence with your determination of effects of the proposed license renewal on federally-listed threatened and endangered species and is a follow up on a december 23, 2004 electronic message to Ms. Stacey Imboden. The proposed action would renew the operating license for the Point Beach Nuclear Plant, Units 1 and 2 (PBNP), for a period of 20 years. It does not involve additional construction. The plant is located on the western shore of Lake Michigan in Manitowoc County, Wisconsin. We have reviewed the Biological Assessment (BA) for the license renewal, and any other accompanying documents. Our comments follow.

Three federally-listed species, the bald eagle, piping plover, and Pitcher's thistle, have been documented in Manitowoc County. An additional species, the dwarf lake iris, has been documented in Brown County, which is traversed by a PBNP transmission line.

The bald eagle is not known to nest in the plant area, and has not been observed foraging in or near the plant area. The transmission lines generally extend to the west, away from Lake Michigan. However, we disagree with the BA that it extends away from bald eagle foraging habitat. Bald eagles have been observed foraging on smaller, interior waterbodies that may be found near the transmission line. Nonetheless, the license renewal does not involve additional construction or expansion of lines. Therefore, we concur with your determination that the proposed action may affect, but will not adversely affect the bald eagle.

The Pitcher's thistle has not been observed in the PBNP area, or along the transmission line corridors. No suitable habitat has been observed for the thistle within the project area. Based on this information, we concur with your determination that the proposed action will not affect the Pitcher's thistle.

The dwarf lake iris has not been observed in the PBNP area, or along the transmission line corridors. However, any suitable habitat for the iris is protected from public access and would not be disturbed as a result of the proposed action. Based on this information, we concur with your determination that the proposed action will not affect the dwarf lake iris.

The piping plover has not been observed on the PBNP property. However, there is designated critical habitat for the plover located to the south of the plant. There is also suitable habitat for the plover on the plant grounds. The Great Lakes piping plover population is rapidly expanding, and there is some probability that plovers may attempt to use the beaches on the PBNP property in the near future. The BA states that WE Energies has agreed to conduct an annual individual census between June 1 and June 15 over the life of the license renewal period; they have agreed to contact the Service's Green Bay Ecological Services Field Office and the Wisconsin Department of Natural Resources (DNR)-Bureau of Endangered Resources on the same day that nesting is discovered; and they will collaborate with Service and DNR staff in protection and monitoring of those nests.

While we are encouraged by the willingness of the applicant to cooperate with agencies in protection of the plover, we request the following modifications to the proposed plover-related actions. We prefer that two or more surveys be conducted during the breeding season, with one occurring before May 30, and one or more occurring between June 1 and June 15. Surveys should be separated by at least 5 days. However, if only one "census" is done annually, we request that it be conducted by June 10. If one or more piping plovers are observed during the census, the Green Bay Ecological Services Field Office should be contacted immediately to initiate coordination on additional actions. The site should be monitored daily without disturbing the birds. If piping plovers persist on the site for more than a few days, trained Service staff should be allowed to visit the site, accompanied by appropriate personnel, to determine if nesting has been initiated or will likely occur (based on the behavior of the birds). If nesting occurs, WE Energies should collaborate with Service and DNR staff in protection and monitoring of the nests in accordance with the 2003 *Recovery Plan for the Great Lakes Piping Plover*.

Once we receive confirmation that the aforementioned measures will be included in the license renewal, we will be able to issue our concurrence with your determination for the piping plover. We look forward to your response regarding our recommendations for piping plover monitoring and/or protection.

While our concurrence with your determinations for the bald eagle, Pitcher's thistle, and dwarf lake iris is current as of the date of this letter, please be aware that over time, habitats at or near the project site may be utilized by listed or proposed species not present at this time. Further, fish, wildlife or plant species occurring within the project area may become federally-listed as threatened or endangered or proposed for listing; it also is possible that critical habitat could be proposed or designated for a species. Therefore, if the project is modified, this office should be

contacted for an updated review of the project. Our species/critical habitat list is updated every 6 months.

We appreciate the opportunity to respond. Questions pertaining to these comments can be directed to Ms. Leakhena Au at 920-866-1734.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janet M. Smith".

Janet M. Smith
Field Supervisor