

**From:** "Johnson, Britta A." <Britta.Johnson@nmcco.com>  
**To:** <wld@nrc.gov>  
**Date:** 4/7/05 1:10PM  
**Subject:** SHPO and FWS Correspondence

Dear Bill:

Attached below are PDFs of the additional correspondence we have received since submittal of the Palisades Environmental Report, as you requested during your conversation with Jim this morning.

1) Response to our February 11, 2005 letter (included in the ER-- Attachment C) to the Michigan SHPO (Mr. Brian Conway):

>> <<31405SHPOResponse.pdf>>

>

2) Response to our March 1, 2005 list request (included in the ER--Attachment B) to the USFWS (Mr. Craig Czarnecki):

<<31705FWSResponse.pdf>>

These are PDFs of faxed copies. If you would like PDFs of the original letters, please let me know.

Thank you--

Britta A. Johnson  
Engineering Support Analyst- Environmental  
Nuclear Management Company, LLC  
Monticello, MN: 763.295.1495  
Hudson, WI: 715.377.3455

**CC:** "Holthaus, James J." <James.Holthaus@nmcco.com>, "Turner, Darrel G." <DARREL.TURNER@nmcco.com>, "Vincent, Robert A." <ROBERT.VINCENT@nmcco.com>, "Franklin, Emily G." <Emily.Franklin@nmcco.com>

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**Subject:** SHPO and FWS Correspondence  
**Creation Date:** 4/7/05 1:09PM  
**From:** "Johnson, Britta A." <Britta.Johnson@nmcco.com>

**Created By:** Britta.Johnson@nmcco.com

**Recipients**

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 WLD (William Dam)

nmcco.com

Emily.Franklin CC (Emily G. Franklin)  
 ROBERT.VINCENT CC (Robert A. Vincent)  
 DARREL.TURNER CC (Darrel G. Turner)  
 James.Holthaus CC (James J. Holthaus)

**Post Office**

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MESSAGE	777	04/07/05 01:09PM
31405SHPOResponse.pdf	27812	
31705FWSResponse.pdf	233631	
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**Expiration Date:** None  
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**Return Notification:** None

**Concealed Subject:** No  
**Security:** Standard



## 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

IN REPLY REFER TO:

March 17, 2005

Mr. James Holthaus  
Environmental Project Manager  
Nuclear Management Company, LLC  
27780 Blue Star Highway  
Covert, MI 49043

Re: Endangered Species List Request, Proposed Palisades Nuclear Plant (Palisades) License Renewal Project, Allegan, Berrien, Kalamazoo, and Van Buren Counties, Michigan

Dear Mr. Guidinger:

Thank you for your March 1, 2005 request for information regarding federally listed and proposed threatened and endangered species, candidate species, or critical habitat near your proposed project. Your request and this response are made pursuant to section 7 of the Endangered Species Act of 1973, as amended (Act).

We understand that the Nuclear Management Company, LLC and Consumers Energy are preparing an assessment of impact on threatened and endangered species from the continued operation of Palisades. You are conducting this assessment as part of your application to the U.S. Nuclear Regulatory Commission for renewal of the Palisades operating license and associated transmission lines in the above mentioned counties.

Based on your proposed project area and surrounding landscape, the possibility exists for the endangered Indiana bat (*Myotis sodalis*) to occur within suitable habitat near Palisades and its transmission lines. The summer range of Indiana bats in Michigan includes the southern half and most of the western coastal counties of the Lower Peninsula. Suitable Indiana bat habitat typically consists of highly variable forested landscapes in riparian, bottomland, and upland areas, and is composed of roosting trees with crevices or exfoliating bark.

Our records also indicate the following endangered species: Karner blue butterfly (*Lycaeides melissa samuelis*) and Mitchell's satyr butterfly (*Neonympha mitchelli mitchelli*), and threatened Pitcher's thistle (*Cirsium pitcheri*) may occur near Palisades or its associated transmission lines. The Karner blue butterfly may occur near the Argenta-E. Elkhart transmission line in Van Buren County; Mitchell's satyr butterfly may occur near the Palisades-Cook transmission line in Berrien County; and Pitcher's thistle may occur near the Palisades Substation in Van Buren County.

Karner blue butterfly is dependent on wild lupine (*Lupinus perennis*); it's only known larval food plant, grasses and nectar plants. These plants and its habitat occur in remnant barrens and oak savanna ecosystems, as well as other locations such as highway and powerline rights-of-way, gaps within forest stands, young forest stands, forest roads and trails, airports, and military bases. Mitchell's satyr butterflies rely on wetland habitats characterized as fen communities, which are dominated by sedges (usually *Carex stricta*), with scattered deciduous and/or coniferous trees, most often tamarack, and red cedar. The Pitcher's

thistle is endemic to the non-forested dunes of the western Great Lakes and requires active sand dune processes to maintain its early successional habitat. It is a perennial, herbaceous plant, which flowers once in its lifetime, generally after a five to eight year juvenile stage, after which it dies.

You should assess potential effects of future projects on these species. If you determine that implementation of any projects may affect these species, we recommend you conduct the appropriate habitat and species surveys to determine with certainty whether and where these species occur in relation to your project. The individual performing the survey must possess a current U. S. Fish & Wildlife Service permit specific to the surveyed species and use approved survey techniques. Depending on your assessment, the preparation of a biological assessment may be necessary to determine the potential effects, both direct and indirect, of any proposed action upon listed species or critical habitat, and initiate informal consultation with this office.

Please see Enclosure B for a discussion of the responsibilities of federal agencies under the Act and the conditions that require preparation of a biological assessment by the lead federal agency or its designee. We have provided information concerning the distribution, life history, and habitat requirements of the Indiana bat. This information may help you prepare a biological assessment for this project, should it require one. Additional species information may be located at the Michigan Natural Features Inventory website, <http://web4.msue.msu.edu/mnfi/pub/abstracts.cfm>.

Our records also indicate that a candidate species, eastern massasauga rattlesnake (*Sistrurus catenatus catenatus*), may occur near Palisades and all its associated transmission lines. Eastern massasauga habitat is typically associated with open shallow wetland systems. The rattlesnake prefers habitat with open canopy and a sedge or grass ground cover. 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. 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.

Section 7 of the Act requires federal agencies, or their designees, to consider impacts to federally listed threatened and endangered species for all federally funded, constructed, permitted, or licensed projects. Should the federal action agency determine that a listed species may be affected (adversely or beneficially) by the project, the action agency should request section 7 consultation with this office. Even if the determination is a "no effect", we would appreciate receiving a copy for our records. We are available to discuss the proposed action and assist you in analyzing potential effects of the action on the species.

Section 7(d) of the Act underscores the requirement that federal agencies or their designees shall not make any irreversible or irretrievable commitment of resources during the consultation period, which in effect would deny the formulation or implementation of reasonable alternatives regarding their actions on any endangered or threatened species. Therefore, in order to comply with the Act, we advise you not to finalize any construction plans until you assure protection of the species and conclude any requisite section 7 consultation with this office.

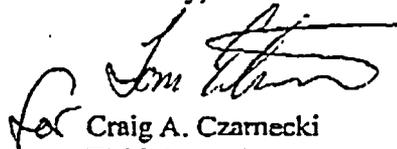
Since endangered species data changes continuously, we recommend you contact this office for an updated species list if more than six months passes prior to issuance of a permit for proposed activities. In addition, if the project requires modifications or new information becomes available that indicates the presence of listed species or species proposed for listing, or their critical habitat, you should consult with this office.

The Michigan Department of Natural Resources (MDNR) protects endangered and threatened species through Part 365, Endangered Species Protection, of the Natural Resources and Environmental Protection

Act, 1994, P.A. 451. For a preliminary check of your project areas for any State natural resources issues, please refer to the MDNR Endangered Species Assessment website located at [www.michigan.gov](http://www.michigan.gov). Click on Online Services then scroll down to Business Online Services and select Endangered Species Assessment. Upon completing the website search, contact the Endangered Species Coordinator of the MDNR at (517) 375-3337 for information regarding the protection of threatened and endangered species under State law. State law requires a permit in advance of any work that could potentially damage, destroy, or displace State-listed species.

The opportunity to provide comments is appreciated. Any questions can be directed to Tameka Dandridge of this office at [Tameka\\_Dandridge@fws.gov](mailto:Tameka_Dandridge@fws.gov) or (517) 351-8315.

Sincerely,

  
for Craig A. Czarnecki  
Field Supervisor

Enclosures

cc: MDNR, Wildlife Division, Lansing, MI (Attn: Todd Hogrefe)

g: admin/archives/mar05/se list/Consumers-PalisadesNuclear.tnd.doc

### Indiana Bat Life History

Since listing as endangered in 1967, the range-wide Indiana bat population has declined by nearly 60%. Several factors have contributed to its decline including the loss and degradation of suitable hibernacula, human disturbance during hibernation, pesticides, fragmentation of forest habitat, and loss and degradation of forested habitat, particularly stands of large, mature trees.

In Michigan, summering Indiana bats roost in trees in riparian, bottomland, and upland forests from approximately April 15 to September 15. Indiana bats may summer in a wide range of habitats, from highly altered landscapes to intact forests. Roost trees are typically found in patches of forests of varying size and shape, but have also been found in pastures, hog lots, fence rows, and residential yards.



Indiana bat range in shaded areas.

Male Indiana bats are dispersed throughout the range in the summer, roosting individually or in small groups, but may favor areas near hibernaculum. In contrast, reproductive females form larger groups, referred to as maternity colonies. Female Indiana bats exhibit strong site fidelity to summer roosting and foraging areas, tending to return to the same summer range annually to bear their young. These traditional summer sites are essential to the reproductive success and persistence of local populations.

Indiana bats are known to use a wide variety of tree species for roosting, but structure (i.e., crevices or exfoliating bark) is probably most important in determining if a tree is a suitable roost site. Roost trees generally are dead, dying or live trees (e.g. shagbark hickory and oaks) with peeling or exfoliating bark which allows the bat to roost between the bark and bole of the tree, but Indiana bats will also use narrow cracks, split tree trunks and/or branches as roosting sites. Southern Michigan maternity roost trees are typically in open areas exposed to solar radiation. Roost trees vary considerably in size, but those used by Indiana bat maternity colonies usually are large relative to other trees nearby, typically greater than 9 inches dbh. Male Indiana bats have been observed roosting in trees as small as 3 inches dbh.

Maternity roosts of the Indiana bat can be described as "primary" or "alternate" based upon the proportion of bats in a colony consistently occupying the roost site. Maternity colonies typically use 10-20 different trees each year, but only 1-3 of these are primary roosts used by the majority of bats for some or all of the summer. It is not known how many alternate roosts must be available to assure retention of a colony within a particular area, but large, nearby forest tracts appear important. Although the Indiana bat appears to be adaptable to changes in its roosting habitat, it is essential that a variety of suitable roosting trees exist within a colony's summer area to assure the persistence of the colony.

Enclosure B

FEDERAL AGENCIES' RESPONSIBILITIES UNDER SECTIONS 7(a) AND 7(c)  
OF THE ENDANGERED SPECIES ACT

SECTION 7(a) - Consultation/Conference

Requires:

1. Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;
2. Consultation with U.S. Fish & Wildlife Service (Service) when a federal action may affect a listed endangered or threatened species to ensure that any action authorized, funded, or carried out by a federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The process is initiated by the federal agency after they have determined if their action may affect (adversely or beneficially) a listed species; and
3. Conference with Service when a federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or a adverse modification of proposed critical habitat.

SECTION 7(c) - Biological Assessment for Major Construction Projects<sup>1</sup>

Requires federal agencies or their designees to prepare a Biological Assessment (BA) for major construction projects. The purpose of the BA is to identify any proposed and/or listed species which is/are likely to be affected by a construction project. The process is initiated by a federal agency in requesting a list of proposed and listed threatened and endangered species. The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the species list, please verify the accuracy of the list with the Service. Sec. 7(d) states agencies shall not make any irreversible or irretrievable commitment of resources during the consultation process which would result in violation of the requirements under Section 7(a)(2). Planning, design, and administrative actions may be taken; however, no construction may begin.

To complete the BA, your agency or its designee should: (1) conduct an onsite inspection of the area to be affected by the proposal which may include a detailed survey of the area to determine if the species is present and whether suitable habitat exists for either expanding the existing population or potential reintroduction of the species; (2) review literature and scientific data to determine species distribution, habitat needs, and other biological requirements; (3) interview experts including those within the Service, state conservation departments, universities, and others who may have data not yet published in scientific literature; (4) review and analyze the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; (5) analyze alternative actions that may provide conservation measures; and (6) prepare a report documenting the results, including a discussion of study methods used, any problems encountered, and other relevant information. Upon completion, the report should be forwarded to: Field Supervisor, U.S. Fish & Wildlife Service, 2651 Coolidge Rd., East Lansing, MI 48823-5202.

<sup>1</sup> "Major Construction project" means any major federal action which significantly affects the quality of the human environment as referred to in NEPA (requiring an EIS) designed primarily to result in the building or erection of man-made structures such as dams, buildings, roads, pipelines, channels, and the like. This includes federal actions such as permits, grants, licenses, or other forms of federal authorization or approval which may result in construction.