



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:

July 29, 2005

Mr. Pao-Tsin Kuo, Program Director
License Renewal and Environmental Impacts Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852-2738

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

Dear Mr. Kuo:

Thank you for your June 30, 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).

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

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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. 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) 373-3337 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 should be directed to Burr Fisher of this office at 517/351-8286 or burr_fisher@fws.gov.

Sincerely,



for Craig A. Czarnecki
Field Supervisor

Enclosures (2)

cc: MDNR, Wildlife Division, Lansing, MI (Attn: Todd Hogrefe) w/o enclosures
Kirk LaGory, Argonne National Laboratory, Argonne, IL w/o enclosures

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