United States Department of the Interior
FISH AND WILDLIFE SERVICE
Eastern Idaho Field Office
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Chubbuck, Idaho 83202
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MAR 0 9 2010

Andrea Kock
US Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Proposed Areva Eagle Rock Transmission Line Project Species List Request, Bonneville County, Idaho
SL # 10-0242

Dear Ms. Kock:

The Fish and Wildlife Service (Service) is providing you with a list of endangered, threatened, proposed, and/or candidate species, and designated critical habitat which may occur in the area of the proposed Areva Eagle Rock transmission line project located in Bonneville, County. You requested this list by letter on February 18, 2010. This list fulfills the requirements for a species list under section 7(c) of the Endangered Species Act of 1973 (Act), as amended. If the project decision has not been made within 180 days of this letter, regulations require that you request an updated list. Please refer to the species list (SL) number shown above in all correspondence and reports.

Section 7 of the Act requires Federal agencies to assure that their actions are not likely to jeopardize the continued existence of endangered or threatened species. Federal funding, permitting, or land use management decisions are considered to be Federal actions subject to section 7. If the proposed action may affect a listed species, consultation with the Service is required. Formal consultation must be initiated for any project that is likely to adversely affect a threatened or endangered species. If a project involves a major construction activity and may affect listed species, Federal agencies are required to prepare a Biological Assessment. If a proposed species is likely to be jeopardized or if proposed critical habitat will be adversely modified by a Federal action, regulations require a conference between the Federal agency and the Service. A Federal agency may designate, in writing, you or another non-Federal entity to represent them in an informal consultation.

In a decision published in the July 9, 2007 Federal Register, the Service concluded that protections for the bald eagle (*Haliaeetus leucocephalus*) under the Act were no longer warranted. Effective August 8, 2007, the bald eagle is no longer included on the list of threatened and endangered species in the lower 48 states pursuant to the Act, and has been removed from all Idaho species lists. However, the protections provided to the bald eagle under the Bald and Golden Eagle Protection Act (BGEPA, 16 U.S.C. 668) and the Migratory Bird Treaty Act (MBTA, 16 U.S.C. 703) will remain in place. To assist with the delisting transition, the Service has developed National Bald Eagle Management Guidelines to advise land managers

and project proponents when, and under what circumstances, the protective provisions of the BGEPA and MBTA may apply to their activities. These guidelines, as well as additional information on the protection of bald eagles, are available on the Service's web site at: http://www.fws.gov/migratorybirds/baldeagle.htm. The Service also is available to provide technical assistance regarding bald eagle conservation.

In addition to listed species, transmission lines have the potential to affect migratory birds, which are afforded protection under the MBTA (40 Stat. 755; 16 U.S.C. 703-7 12). In addition to considering the potential impacts of the proposed project to listed species we recommend that you identify and implement measures to assure the project complies with the MBTA. The Service suggests your Agency review the Avian Power Line Interaction Committee's "Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006" for more information on migratory birds and transmission lines (www.aplic.org). Additionally, more information on impacts to migratory birds and/or the Service's recommendations can be found on the web at http://www.fws.gov/migratorybirds.

If you have any questions about your responsibilities under section 7 of the Act, or require further information, please contact Ty Matthews of our Eastern Idaho Field Office at (208)237-6975 extension 115. Thank you for your interest in endangered species conservation.

Sincerely,

Acting Supervisor
Eastern Idaho Field Office

Avian Power Line Interaction Committee (APLIC). 2006. Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006. Edison Electric Institute, APLIC, and the California Energy Commission. Washington D.C. and Sacramento, California.

BONNEVILLE COUNTY, IDAHO

LISTED SPECIES	COMMENTS
Canada lynx *(Lynx canadensis)*	LT
Ute ladies'-tresses *(Spiranthes diluvialis)*	LT
Utah valvata snail *(Valvata utahensis)*	LE
Grizzly bear *(Ursus arctos)*	LT

PROPOSED SPECIES

None

CANDIDATE SPECIES[1]

Yellow-billed cuckoo *(Coccyzus americanus)*	C
Greater Sage-Grouse (*Centrocercus urophasianus*)	C

LE - Listed Endangered
LT - Listed Threatened
XN - Experimental/Non-essential population
PT - Proposed Threatened
C - Candidate

[1]Candidate species have no protection under the Act, but are included for your early planning consideration. Candidate species could be proposed or listed during the project planning period, and would then be covered under Section 7 of the Act. The Service advises an evaluation of potential effects on candidate species that may occur in the project area.