Conference Call with the US Fish and Wildlife Service
Fermi 3 COL Environmental Review
Tuesday, July 26, 2011, 2:00 PM Eastern Time

Purpose

To discuss the Biological Assessment Conclusions regarding the Fermi 3 COL DEIS

Participants

U.S. Nuclear Regulatory Commission (NRC): Bruce Olson, Michael Masnik, Peyton Doub
Argonne National Laboratory (Argonne): Kirk LaGory, John Hayes
ERI/E&E: David Weeks
U.S. Army Corps of Engineers (USACE): Colette Luff
U.S. Fish and Wildlife Service (FWS): Burr Fisher

Summary of Discussions and Associated Action Items

Representatives of the NRC and USACE held a telephone conversation with Mr. Burr Fisher of the FWS to discuss the BA for the proposed Fermi 3 Nuclear Power Plant. The USACE is a cooperating agency on NRC's environmental impact statement (EIS) for Fermi 3 and NRC and USACE plan to jointly consult with FWS on Fermi 3 under the Section 7 of the Endangered Species Act. The NRC and USACE are collectively referred to as the "review team" for purposes of the EIS and BA.

The review team plans to publish a draft EIS for Fermi 3 prior to September 30, 2011 but has not decided whether to publish a BA at that time or defer the BA until later in the application review process. Prior to the call, NRC had provided Mr. Fisher with a table outlining each species addressed in the BA and the review team's tentatively proposed conclusions (**Attachment 1**). The review team has not yet provided FWS with a draft of the BA text.

Following introductions, Peyton Doub directed Burr Fisher to each of the six terrestrial species in the table. Discussions for each species are summarized below.

- **Indiana Bat:** Burr Fisher stated that of all the species potentially occurring in the project area, he was most concerned about the Indiana bat. He stated that his concern is attributable mostly to impacts to bats resulting from several recent wind turbine projects in southern Michigan. While acknowledging that there are no known hibernacula near the site, Mr. Fisher said that he is still concerned over potential impacts from the project to maternity roost trees that could possibly occur in affected areas. Even if Detroit Edison limited forest clearing to the winter hibernation season, when Indiana bats would definitely not be present on the site, individuals commonly return to previous year's maternity roosts, and losses of those roosts could stress the population.

  Mr. Fisher stated that he is inclined to request that Detroit Edison conduct mist net surveys of potentially affected areas before completing Section 7 consultation on the project. The surveys would have to follow FWS-developed protocol survey methods for the Indiana bat. He indicated that he might be willing to complete consultation with an assurance that Detroit Edison would perform the surveys closer to the time of groundbreaking. However, Michael Masnik of NRC indicated that NRC could lack the authority to enforce a requirement for future surveys. Mr. Fisher was open to the possibility of issuing a Biological Opinion containing future survey requirements that could be enforced by FWS; however, he suggested that the process would be simpler if

Detroit Edison could complete the surveys prior to consultation. He also requested that the BA contain as much descriptive material on potentially affected Indiana bat habitat as is available.

Mr. Fisher explained that Indiana bat surveys are typically conducted in a two-step process. The first step is for an approved Indiana bat expert to evaluate the affected habitat with respect to suitability for the species. If the habitat is suitable, the second step is to perform mist netting during the active maternity roost season. An Eastern Michigan University biology professor, Dr. Allen Kurta was mentioned as a possible resource for survey studies in the region.

- **Eastern Massasauga Rattlesnake:** Mr. Fisher stated that he agreed with the tentative conclusions in Attachment 1.

- **Karner Blue Butterfly:** Mr. Fisher stated that he agreed with the tentative conclusions in Attachment 1. However, he stated that we could also go with a "No Effect" conclusion.

- **Mitchell's Satyr Butterfly:** Mr. Fisher stated that he agreed with the tentative conclusions in Attachment 1.

- **American Burying Beetle:** Mr. Fisher stated that he agreed with the tentative conclusions in Attachment 1.

- **Eastern Prairie Fringed Orchid:** Mr. Fisher stated that he agreed with the tentative conclusions in Attachment 1.

John Hayse of Argonne National Lab directed the discussion of the four aquatic species on Attachment 1. Discussions for each are summarized below.

- **Northern Riffleshell:** Mr. Fisher stated that he agreed with the tentative conclusions in Attachment 1.

- **Rayed Bean.** Mr. Fisher stated that he agreed with the tentative conclusions in Attachment 1. However, he stated that we could also go with a "No Effect" conclusion. He also requested that we indicate the status of this species as "Candidate" with a footnote that the species has also been proposed for listing under the Endangered Species Act.

- **Snuffbox Mussel:** Mr. Fisher stated that he agreed with the tentative conclusions in Attachment 1. However, he stated that we could also go with a "No Effect" conclusion. He also requested that we indicate the status of this species as "Candidate" with a footnote that the species has also been proposed for listing under the Endangered Species Act.

- **White Catspaw:** While Mr. Fisher agreed with the proposed "No Effect" conclusion, he stated that the FWS does not recognize this species as potentially occurring in Michigan and stated that we could simply not address it in the BA.

Attachment 1

Before concluding, NRC asked Burr Fisher if Attachment 1 was missing any species that FWS might want to see included in the BA. Mr. Fisher responded that species included in Attachment 1 were adequate and complete.

Action Items

- In a subsequent call with Colette Luff of the Detroit District Army Corps of Engineers, it was learned that Burr Fisher would be attending a Fermi site visit on August 8 and a wetlands mitigation meeting on August 9, 2011. Since that visit will also include Detroit Edison, USEPA, and Michigan DEQ personnel, it was determined that NRC should be represented so Peyton Doub will be planning to attend those discussions/meetings.

Note: in Attachment 1 below:

E Endangered

C Candidate

T Threatened

PE Proposed Endangered

Attachment 1
Biological Assessment Conclusions Summary Table
For Discussion Purposes Only

Common Name	Scientific Name	Status	Proposed Determination	Basis
Mammals				
Indiana bat	*Myotis sodalis*	E	May affect; not likely to adversely affect	No known hibernacula near site. Impacts limited to roosting and foraging habitat, which is abundant and widespread throughout the surrounding landscape.
Reptiles				
Eastern massasauga rattlesnake	*Sistrurus catenatus catenatus*	C	May affect; not likely to adversely affect	Occurs in two counties crossed by proposed transmission line. Some upland forest habitat suitable for the species would be converted to open habitat, but species uses both forest and open habitats.
Insects				
Karner blue butterfly	*Lycaeides melissa samuelis*	E	May affect; not likely to adversely affect	Known occurrence in project area is limited to reintroduction sites on public land.
Mitchell's satyr	*Neonympha mitchellii mitchellii*	E	No effect	Known to occur in one county crossed by proposed transmission line but specialized habitat not present near proposed corridor.
American burying beetle	*Nicrophorus americanus*	E	No effect	Likely extirpated from Michigan.
Vascular Plants				
Eastern prairie fringed orchid	*Platanthera leucophaea*	T	May affect; not likely to adversely affect	Potentially suitable habitat occurs on the site, but there have been no recorded observations on the site and the species was not observed during general botanical surveys for project.
Mollusks (Mussels)				
Northern riffleshell	*Epioblasma torulosa rangiana*	E	No effect	No suitable habitat in project area.
Rayed bean	*Villosa fabalis*	PE	May affect; not likely to adversely affect	Areas of potentially affected habitat have already experienced disturbance from periodic maintenance dredging.
Snuffbox mussel	*Epioblasma triquetra*	PE	May affect; not likely to adversely affect	Areas of potentially affected habitat have already experienced disturbance from periodic maintenance dredging.
White catspaw	*Epioblasma obliquata perobliqua*	E	No effect	Likely extirpated from Michigan.