# 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 23, 2015

Jennifer L. Dixon-Herrity, Chief
United States Nuclear Regulatory Commission
Environmental Projects Branch
Division of New Reactor Licensing
Office of New Reactors
Washington, D.C. 20555-0001

Re: Submittal of Supplemental Biological Assessment for the Proposed Enrico Fermi Nuclear Power Plant, Unit 3, and request for consultation under Section 7 of the Endangered Species Act.

Dear Ms. Dixon-Herrity:

We are responding to your February 20, 2015 letter and Supplemental Biological Assessment (BA), requesting informal consultation pursuant to section 7 of the Endangered Species Act (Act) for the proposed Enrico Fermi Power Plant, Unit 3, in Monroe County, Michigan. The US Nuclear Regulatory Commission (NRC) and the US Army Corps of Engineers (Corps) as a cooperating agency have completed the final Environmental Impact Statement for a combined license (COL) for the Enrico Fermi Nuclear Power Plant, Unit 3. The Fermi site is located on approximately 1,260 acres along the western shore of Lake Erie, Monroe County, Michigan. Fermi 1 is non-operational and will be decommissioned; Fermi 2 is operational and generating. Detroit Edison, as part of this project, proposes to build three new 345-kilovolt transmission lines in a single 29.4 mile corridor from the power plant to a substation in Milan, Michigan.

As part of the COL review, NRC staff prepared a BA that was submitted to our office on March 30, 2012. We concurred with the determination of the NRC that there would be no impacts to threatened and endangered species resulting from the construction of the Fermi 3 Unit. Since the issuance of the 2012 BA, the rufa red knot (*Calidris canutus rufa)* has been listed as threatened under the ESA (January 12, 2015). The NRC in cooperation with the Corps has prepared a supplemental BA with cover letter dated February 20, 2015, that examines the potential impact to the rufa red knot from the construction and operation of Fermi 3. According to Detroit Edison records, the rufa red knot was last observed on the Fermi site in 2000.

We have reviewed the supplemental BA for the rufa red knot for the Enrico Fermi Nuclear Power Plant, Unit 3. Section 5.2.1 page 23 states that "The review team has thus concluded that the operation of Fermi 3 is unlikely to adversely affect the rufa red knot." Table 7-1 on page 25 has made a determination of "may affect; not likely to adversely affect." You have reached this conclusion in part because the literature states that optimal feeding or overwinter habitats are marine environments and the Great Lakes provide only landing and resting habitat during long migrations. Also, the coastal habitat most likely to be used by migrating rufa red knots--------open, exposed areas along Lake Erie shoreline--------would not be directly affected by construction of Fermi 3. Any potential disturbance activity (people, dogs, vehicles, boats, etc.) is not anticipated because access to the Fermi site is controlled; any construction noise/activities will occur thousands of feet away from habitat likely used by the rufa red knot and not likely to disturb the rufa red knot.

Your letter requests our concurrence on the effects on the proposed project on one federally-listed species, the rufa red knot. We concur with your conclusion that the operation of the facility and construction may affect, but is not likely to adversely affect the rufa red knot. Any potential effects are insignificant and/or discountable.

Please be aware that consultation under section 7 of the Act has not yet been completed for the proposed transmission line until we receive your determination for all species that may be affected by the 29.4 miles of proposed transmission lines. You previously indicated that terrestrial and/or aquatic surveys for listed species will be conducted once the location of the transmission line corridor has been finalized. We await your determination and the results of future surveys for species including those for the Indiana bat, and the recently proposed for listing Northern long eared bat (*Myotis septentrionalis*).

Thank you for the opportunity to provide these comments. Questions regarding our resource protection recommendations should be directed to Mr. Burr Fisher at 517/351-8286 or burr_fisher@fws.gov.

Sincerely,

Acting for Scott Hicks
Field Supervisor