



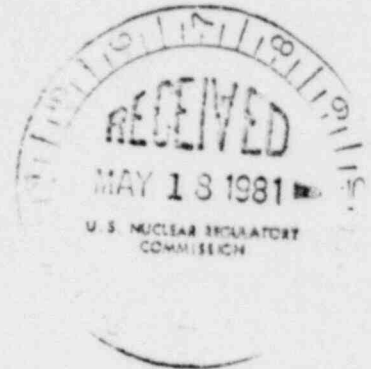
# United States Department of the Interior

FISH AND WILDLIFE SERVICE

IN REPLY REFER TO:

East Lansing Area Office  
Manly Miles Building, Room 202  
1405 South Harrison Road  
East Lansing, Michigan 48823

May 12, 1981



Mr. Albert Schwencer, Chief  
Licensing Branch 2  
Division of Licensing  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Schwencer:

This is in response to your letter of April 10, 1981 requesting our comments for an operating license for the Perry Nuclear Power Plant, Lake County, Ohio.

Based upon information currently available, the following threatened (T), endangered (E), or proposed (P) species may be found in the project area:

Indiana Bat (E)

(Myotis sodalis)

There is no designated critical habitat in the project area at this time.

In accordance with the Endangered Species Act of 1973, as amended, the Federal agency responsible for actions authorized, funded, or carried out in furtherance of the project is required to conduct a biological assessment for the purpose of identifying endangered, threatened, or proposed species likely to be affected by the action. Information on suitable habitat and previous sitings may be obtained from Mr. Denis Case, Ohio Department of Natural Resources (ODNR). He may be contacted at Ohio Division of Wildlife, ODNR, Fountain Square, Columbus, Ohio 43224, (telephone 614/466-3610).

If the biological assessment indicates the presence of such species, the formal consultation process should be initiated. This can be done by writing to the Area Manager, Room 202, Manly Miles Building, 1405 S. Harrison Rd., East Lansing, MI 48823. The biological assessment is to be completed within 180 days of initiation and before contracts are entered into or construction begun.

The assessment should include the following information:

1. The results of the comprehensive survey of the area.
2. The results of any studies undertaken to determine the nature and extent of any impacts on identified species.

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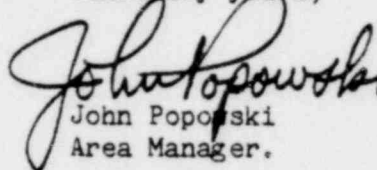
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3. The agency's consideration of cumulative effects on the species or its critical habitat.
4. The study methods used.
5. Difficulties encountered in obtaining data and completing the proposed study.
6. Conclusions of the agency including recommendations as to further studies.
7. Any other relevant information.

This letter provides comment only on the endangered species aspect of the project. Comments on other aspects of the project under the authority of and accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) may be sent under separate cover.

If there are any questions regarding the biological assessment or how it applies to the consultation process, please contact the Area Office Endangered Species Office at 517/337-6608.

Sincerely yours,

  
John Popowski  
Area Manager.

Attachment

FEDERAL AGENCIES'  
MAJOR RESPONSIBILITIES UNDER  
THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED

1. All Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered or threatened species.
2. In accordance with Section 7(c) of the Endangered Species Act of 1973, as amended, the Federal agency responsible for actions authorized, funded, or carried out in furtherance of a construction project that significantly affects the quality of the human environment, is required to conduct a biological assessment. The purpose of the assessment is to identify listed or proposed species likely to be adversely affected by their action and to assist the Federal agency in making a decision as to whether they should initiate consultation.
3. The biological assessment is to be completed within 180 days of initiation and before contracts are entered into or construction begun.
4. When conducting a biological assessment, the following steps should be taken:
  - a. Conduct an on-site inspection of the area affected by the proposed activity or program, which may include a detailed survey of the area to determine if species are present and whether suitable habitat exists for either expanding the existing population or potential reintroduction of populations.
  - b. Interview recognized experts on the species at issue, including those within the Fish and Wildlife Service, State conservation departments, universities and others who may have data not yet found in scientific literature.
  - c. Review literature and other scientific data to determine the species' distribution, habitat needs and other biological requirements.
  - d. Review and analyze the effects of the proposal on the species, in terms of individuals and populations, including consideration of the cumulative effects of the proposal on the species and its habitat.
  - e. Analyze alternative actions that may provide conservation measures.
5. Sections 7(a) and (b) require agencies to consult with the Fish and Wildlife Service when the Federal agency determines their action "may affect" listed species or Critical Habitat. Formal consultation may be initiated by submitting a written request to the Regional Director, Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. At this time, the agency should provide a copy of the biological assessment and other relevant information that assisted them in reaching their "may affect" decision.

6. Section 7(d) of the 1978 Amendment to the Endangered Species Act underscores the requirement that the Federal agency and the permit or license applicant 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.
7. Definitions
  - a. Technical Assistance - information provided to State or private interest groups concerning Federally listed threatened or endangered species.
  - b. Informal Consultation - information provided to Federal agencies concerning Federally listed species that may occur in a project area.
  - c. Formal Consultation - A request by the Federal agency whose proposed project has been identified in the Biological Assessment, to impact listed species. The formal consultation process will ultimately result in the issuance of a Biological Opinion by the FWS to the Federal agency.
  - d. Conservation - bringing a listed species to the point at which it may be removed from the List of Endangered or Threatened Wildlife and Plants.
  - e. Reasonable Alternatives - courses of action open to the Federal agency that are technically capable of being implemented and consistent with the intended primary purpose of the activity, which would avoid jeopardizing the continued existence of listed species or destruction or adverse modification of Critical Habitat.
8. Federal agencies are advised to determine if State listed endangered or threatened species reside in the project area that may be adversely affected by the Federal Action. The State Department of Conservation should be contacted to make this determination.