



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

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May 1, 2025
Electronic Mail

Subject: NUREG-1437, Supplement 63, draft

Dear Mitchell Dehmer:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement (draft EIS) addressing the proposed issuance of renewed Facility Operating License No. NPF-62 for Constellation Energy Generation (CEG), LLC's Clinton Power Station (CPS), Unit 1, located in Clinton, DeWitt County, Illinois, dated April 2025. The CPS is a single unit nuclear power plant that began commercial operation in 1987. The proposed project involves a re-authorization of the existing facility license for a period of 20 years, allowing authorized operation until April 17, 2047. As stated in the draft EIS, "*CPS will continue to operate during the LR [License Renewal] term in the same manner as during the current license term except for additional aging management programs, as necessary.*" Alternatives for the proposed project include a no-action alternative (not renewing the CPS operating license) and power replacement alternatives of natural gas, a combination of renewable and natural gas, and purchased power. These comments address potential effects to federally listed threatened and endangered species in accordance with Section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.) and 50 CFR § 402 of our interagency regulations governing Section 7 of the Act.

Threatened and Endangered Species

Four federally threatened or endangered species have ranges overlapping the action area including the northern long-eared bat (*Myotis septentrionalis*), Indiana bat (*Myotis sodalis*), rusty patched bumble bee (*Bombus affinis*), and eastern prairie fringed orchid (*Plantanthera leucophaea*); along with three species that the Service has proposed to list as threatened or endangered, the salamander mussel (*Simpsonaias ambigua*), monarch butterfly (*Danaus plexippus*), and western regal fritillary (*Argynnis idalia occidentalis*); and one experimental population, the whooping crane (*Grus americana*). The project area does not include any areas of proposed or designated critical habitat.

Information provided in the draft EIS indicates that the proposed action would not involve any significant changes to the existing facility operations; therefore, the proposed project is not likely to adversely affect the northern long-eared bat, Indiana bat, rusty patched bumble, or eastern

prairie fringed orchid. Additionally, information in the draft EIS indicates that the proposed action would have no effect on the salamander mussel due to the lack of suitable habitat within the action area and is not likely to adversely affect and would not result in jeopardy to the monarch butterfly, whooping crane, or western regal fritillary. As the action being evaluated is the relicensing of the existing plant and the action would not change the baseline impacts that federally protected species have been exposed to throughout the operational life of the facility, including established conservation measures that will continue to be implemented throughout the relicensing term, the Service concurs that the action is not likely to adversely affect the northern long-eared bat, Indiana bat, rusty patched bumblebee, or eastern prairie fringed orchid and would not result in jeopardy of the monarch butterfly, whooping crane, or western regal fritillary. The Illinois-Iowa Ecological Services Field Office has no regulatory or statutory authority for concurring with “no effect” determinations. However, we recommend you maintain a written record of your “no effect” determination and include it in your decision record. An example “no effect” memo can be found on our website (<https://www.fws.gov/media/no-effect-habitat-letter>).

Fish and Wildlife Resources

Clinton Lake comprises a significant portion of the action area and was created in 1978 through the impoundment of Salt Creek and the North Fork of Salt Creek with the primary purpose of providing cooling water to operate CPS. Clinton Lake is part of the Clinton Lake State Recreation Area, operated by the Illinois Department of Natural Resources for recreational fishing activities. As the proposed action would not involve any significant changes to the existing facility operations, we do not anticipate fisheries resources to be affected beyond baseline conditions experienced throughout the operational life of the CPS. Additionally, information in the draft EIS indicates that there would be minimal terrestrial resource impacts from continued plant operation and there is not planned expansion of the existing facilities. Based on this information, the Service has no objection to the proposed license renewal.

Migratory Birds

The proposed action would not involve any significant changes to the existing facility operations. As described in the draft EIS, CEG has a corporate avian and wildlife management plan that incorporates industry best management practices (BMPs) to minimize interactions, deaths, and injuries to migratory birds. This plan would continue to be implemented under the proposed relicensing action.

Although the Service removed bald eagles from protection under the Endangered Species Act on August 8, 2007, they remain protected today under the Migratory Birds Treaty Act and the Bald and Golden Eagle Protection Act (Eagle Act). The Eagle Act prohibits take, which is defined as, “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb” (50 CFR 22.3). Disturb is defined in regulations as, “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, or 2) decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior.” Please contact our Region 3 Migratory Bird Office should activities that have the potential to result in take or disturbance of eagles or their nests (<https://www.fws.gov/program/eagle-management/contact-us>).

Conclusion

The above comments are provided in accordance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.). This precludes the need for further action on this project as required under section 7 of the Endangered Species Act of 1973, as amended. Should the project be modified, or new information indicate endangered species may be affected, consultation should be reinitiated. Thank you for the opportunity to provide comments. If you have any additional questions or concerns, please contact our office.

Sincerely,

Sara Schmuecker
Deputy Field Supervisor
Illinois-Iowa Field Office