



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045



November 3, 2004

Mr. Pao-Tsin Kuo
Program Director
License Renewal and Environmental Impacts
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation
Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Kuo:

This responds to your transmittal of August 24, 2004, requesting information on the presence of Federally listed or proposed endangered or threatened species in the vicinity of the proposed license renewal for the Nine Mile Point Power Generation Units and primary transmission lines in the Towns of Clay, Schroepfel, Scriba, and Volney in Onondaga and Oswego Counties, New York.

The Indiana bat is known to occur at hibernacula in Onondaga County and Albany County. These hibernacula are 18.5 miles and 38 miles, respectively, from the nearest point of the Nine Mile Point Power Generation Units and primary transmission lines and 40 miles and 51.6 miles from the farthest point. Based on the proximity of the proposed project site to the Onondaga and Albany Counties hibernacula and the observed distances traveled by Indiana bats, the Indiana bat may be found at the proposed project site if suitable habitat is present. In addition to their presence in and immediately around over-wintering sites, Indiana bats may move up to 330 miles beyond hibernacula to summer habitat (Kurta and Murray 2002). Suitable potential summer roosting/maternity habitat is characterized by trees, (dead, dying or living) or snags, greater than or equal to 5 inches diameter breast height, that have characteristics typical of roost sites for Indiana bats. These include trees having exfoliating or defoliating bark, or cracks, crevices, or holes that could be used by Indiana bats as a roost. Furthermore, wetlands, streams, associated floodplain forests, ponds, and impoundments provide preferred foraging habitat for pregnant and lactating bats, some of which may fly up to 1.5 miles from upland roosts to feed. Indiana bats also forage within the canopy of upland forests, over clearings with early successional vegetation (old fields), along the borders of croplands, along wooded fencerows, and over farm ponds in pastures (U.S. Fish and Wildlife Service 1999).

In a telephone conversation October 25, 2004, it was established that potentially suitable habitat is not going to be disturbed by the proposed action. Based on this information, we believe that the proposed license renewal of the Nine Mile Point Power Generation Units and primary transmission lines is not likely to adversely affect the Indiana bat.

Except for the potential for the Indiana bat and occasional transient individuals, no other Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. In addition, no habitat in the project impact area is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Therefore, no further Endangered Species Act coordination or consultation with the U.S. Fish and Wildlife Service (Service) is required. Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of Federally listed and proposed endangered and threatened species in New York* is available for your information. If your project is not completed within one year from the date of this determination, we recommend that you contact us to ensure that the listed species presence/absence information for your proposed project is current.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the Endangered Species Act. This response does not preclude additional U.S. Fish and Wildlife Service (Service) comments under other legislation.

The Indiana bat is listed as endangered by the State of New York. The information requested above should be coordinated with both this office and with the NYSDEC. The NYSDEC contact for this species is Mr. Peter Nye, Endangered Species Unit, 625 Broadway, Albany, NY 12233 (telephone: [518] 402-8859).

For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate New York State Department of Environmental Conservation regional office(s),* and:

New York State Department of Environmental Conservation
New York Natural Heritage Program Information Services
625 Broadway
Albany, NY 12233-4757
(518) 402-8935

Since wetlands may be present, you are advised that National Wetlands Inventory (NWI) maps may or may not be available for the project area. However, while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Copies of specific NWI maps can be obtained from:


Cornell Institute for Resource Information Systems
302 Rice Hall
Cornell University
Ithaca, NY 14853-5601
(607) 255-6520
web: <http://iris.css.cornell.edu>
email: cornell-iris@cornell.edu

Work in certain waters of the United States, including wetlands, may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act, the Service may concur, with or without recommending additional permit conditions, or recommend denial of the permit depending upon

potential adverse impacts on fish and wildlife resources associated with project construction or implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s).*

Thank you for your time. If you require additional information please contact Michael Stoll at (607) 753-9334.

Sincerely,



David A. Stilwell
Field Supervisor

*Additional information referred to above may be found on our website at:
<http://nyfo.fws.gov/es/esdesc.htm>

References:

Kurta, A., and S.W. Murray. 2002. Philopatry and migration of banded Indiana bats (*Myotis sodalis*) and effects of radio transmitters. *Journal of Mammalogy* 83(2):585-589.

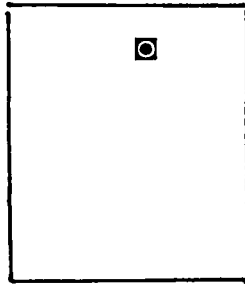
U.S. Fish and Wildlife Service. 1999. Agency Draft Indiana Bat (*Myotis sodalis*) Revised Recovery Plan. Fort Snelling, MN: U.S. Department of the Interior, Fish and Wildlife Service, Region 3. 53 p.

cc: NYSDEC, Syracuse, NY (Environmental Permits)
NYSDEC, Albany, NY (Natural Heritage Program)
NYSDEC, Albany, NY (Endangered Species Unit, Attn: P. Nye)
EPA, Div. of Environmental Planning & Protection, New York, NY
COE, Buffalo, NY

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New York Field Office
3817 Luker Road
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To provide a timely response to future requests for endangered species comments in New York, please include the following in future inquiries:

1. A concise description of the project/action.
2. The size in acres of the project site, and an estimation of the total acres to be disturbed.
3. Name of the hamlet/village/city/town/county where the project/action occurs.
4. The latitude and longitude of the project/action, i.e.: 42° 13' 28" / 76° 56' 30". If the project/action is linear, you may provide coordinates for both ends or just one near center.
5. A map {preferably the map should be a U.S. Geological Survey quadrangle map (USGS Quad)} showing the project/action location. You need only provide a copy of that portion where the project/action occurs. Please provide the name(s) of the USGS Quad/s, and indicate where the project site is located on the full USGS Quad.



Providing the information above will assist us in responding to your needs.

If you require additional information please contact Michael Stoll at (607) 753-9334.