



United States Department of the Interior

FISH AND WILDLIFE SERVICE

East Lansing Field Office (ES)
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East Lansing, Michigan 48823-6316

COPY

IN REPLY REFER TO:

June 8, 2012

Anthony H. Hsia, Chief
United States Nuclear Regulatory Commission
Environmental Projects Branch 2
Division of New Reactor Licensing
Office of New Reactors
Washington, DC 20555-0001

RE: Endangered Species Act Section 7 Consultation for the Fermi 3 Nuclear Power Plant,
Monroe County, Michigan

Dear Mr. Hsia:

We are in receipt of your cover letter dated March 30, 2012, with the accompanying biological assessment (BA) for the construction and operation of a proposed nuclear power plant. Detroit Edison (DTE) has submitted the application for a combined license (COL) for construction and operation of the proposed Fermi Nuclear Power Plant, Unit 3 (Fermi 3) to be located on approximately 1,260 acres along Lake Erie at the existing Enrico Fermi Nuclear Power in Monroe County, Michigan.

The Fermi site currently has one operating boiling water reactor, Unit 2, and Unit 1 has been defueled and is in the process of being decommissioned. The proposed construction of Fermi 3 is adjacent to the existing facilities in an area that has been previously disturbed. DTE has identified the need for transmission line upgrades and three new transmission line corridors and a separate switchyard. The siting area for the new transmission lines would include Monroe, southwest Wayne, and southeast Washtenaw Counties, Michigan.

Your analysis addresses the potential effects of the project on the federally listed Indiana bat (*Myotis sodalis*), Eastern prairie fringed orchid (*Platanthera leucophaea*), Karner blue butterfly (*Lycaeides melissa samuelis*), Mitchell's satyr (*Neonympha mitchellii mitchellii*), American burying beetle (*Nicrophorus americanus*), Northern riffeshell (*Epioblasma torulosa rangiana*), rayed bean (*Villosa fabalis*), and snuffbox (*Epioblasma triquetra*) mussels. You have also evaluated the potential effects of the project on the candidate Eastern massasauga rattlesnake (*Sistrurus catenatus*).

You have determined the Fermi 3 project may affect but is not likely to adversely affect the Indiana bat, eastern prairie fringed orchid and the eastern massasauga rattlesnake. We concur with your determination that the construction and operation of the facility may affect, but is not likely to adversely affect the Indiana bat and eastern prairie fringed orchid.

Indiana Bat

In Michigan, summering Indiana bats roost in trees in riparian, bottomland, and upland forests from approximately April through October. Indiana bats may summer in a wide range of habitats, from highly altered landscapes to intact forests. Roost trees vary considerably in size, but those used by Indiana bat maternity colonies are typically greater than 9 inches dbh. Male Indiana bats have been observed roosting in trees as small as 3 inches dbh.

We concur that the proposed on-site actions are not likely to adversely affect the Indiana bat for the following reasons:

- There are currently no known locations of Indiana bats in Monroe County, and there is limited habitat on site.
- Given the small amount of potential habitat on-site, any effect on Indiana bats will be insignificant.

Eastern prairie fringed orchid

The eastern prairie fringed orchid (EPFO) may be found in lakeplain wet or wet-mesic prairie and will also persist in degraded prairie remnants, ditches, railroad rights-of-way, fallow agricultural fields, and similar habitats where artificial disturbance creates a moist mineral surface conducive to germination.

EPFO is not known to occur near the proposed project area. We concur that the proposed action is *not likely to adversely affect* the EPFO for the following reason:

- EPFO has not been observed on-site during the course of site surveys and suitable habitat is lacking.

Based upon this information, any effects on EPFO from this project would be discountable.

Eastern Massasauga Rattlesnake

The eastern massasauga rattlesnake occurs in a variety of wetland systems with adjacent upland habitat. Populations in southern Michigan typically use shallow, sedge- or grass-dominated wetlands, while those in northern Michigan prefer lowland coniferous forests, such as cedar swamps. This species requires open, sunny areas with scattered shade to assist with thermoregulation, but avoids heavily wooded or closed-canopy areas.

The species is currently a candidate under the Act and, as such, does not require consultation under section 7 of the Act. Although the Act does not extend protection to candidate species, we encourage and appreciate their consideration in project planning. Avoidance of unnecessary

impacts to candidate species will reduce the likelihood that they will require the protection of the Act in the future.

Your BA also evaluated the effects to Karner blue and Mitchell's satyr butterflies, American burying beetle, the northern riffleshell, rayed bean and snuffbox mussels. You determined that the construction and operation of the facility will have "no effect" on these six federally-listed species. Although our concurrence with your "no effect" determination is not required under the Act, we are in agreement with your findings.

You have also made a determination of effects for the 29.4 miles of proposed transmission lines associated with the project. We are not able to concur with your effects determinations for the proposed transmission lines at this time. Your evaluation indicates that terrestrial and/or aquatic surveys for listed species will be conducted once the location of the transmission line corridors has been finalized. We will defer concurrence with your determinations until corridor locations are finalized and we have reviewed the results of future surveys. We also recommend that future surveys include those for the Indiana bat and for listed mussel species at stream crossings when the stream bottom is to be disturbed. Future consultation should be completed prior to submission of Michigan Department of Environmental Quality and/or the Army Corps of Engineers permit applications for stream crossings or wetland fill associated with the transmission line towers.

We appreciate this opportunity to provide comments and look forward to continued coordination in the future if necessary. Any questions should be directed to Mr. Burr Fisher at 517/351-8286 or burr_fisher@fws.gov.

Sincerely,



Acting

Scott Hicks
Field Supervisor

cc: MDNR, Wildlife Division, Lansing, MI (Attn: Lori Sargent)
Detroit River International Wildlife Refuge, Grosse Ile, MI (Attn: John Hartig)