



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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

IN REPLY REFER TO:

April 28, 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

Dear Ms. Dixon-Herrity:

We are responding to your April 3, 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. ITC Transmission, will potentially 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 biological assessment (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 COL activities. Since the issuance of the 2012 BA, the northern long-eared bat (*Myotis septentrionalis*) has been listed as threatened on April 2, 2015. NRC in cooperation with the Corps, has prepared a supplemental BA with cover letter dated April 3, 2015, that examines the potential impact to a single species, the northern long-eared bat (NLEB) from the construction and operation of Fermi 3. According to Detroit Edison records, the NLEB has never been documented on the Fermi site. The Michigan Natural Features Inventory has documented the NLEB in the adjacent county to the east (Washtenaw County).

We have reviewed the supplemental BA for the NLEB for the COL for the Enrico Fermi Nuclear Power Plant, Unit 3. Section 5.2.1, page 22 states that "The review team has thus concluded that the operation of Fermi 3 is unlikely to adversely affect the NLEB." Again, Table 7-1 on page 24 has made a determination of "may affect; not likely to adversely affect." You have reached this conclusion in part because any clearing of forested areas by DTE would occur during the hibernation period for the NLEB from November 1 to March 15 and there are no hibernaculums near the project site. Also, DTE would not disturb remaining NLEB habitat and follow the guidelines for the Indiana bat protection plan that is currently being utilized for the NLEB.

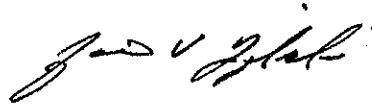

Your letter requests our concurrence on the effects on the proposed project on one federally-listed species, the NLEB. We concur with your conclusion that the operation of the facility and construction may affect, but is not likely to adversely affect the NLEB in the proposed project area with the above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

The BA also includes the construction of the transmission line as part of the consultation (as part of the federal action) and provides a determination for the NLEB. There are other sections of the BA that treat it as a separate project outside the purview of the Corps or NRC. In section 1.0 page one, your document states that...ITC Transmission, a separate entity from DTE, will potentially build three 345-kilowatt (kv) transmission lines in a single 29.4 mile corridor...and are not subject to permitting by the Corps or NRC. It continues to state that ITC is in charge of siting, building, and operating any transmission line but it has not been announced where the transmission lines would be sited and built. Section 5.1.2. states, however, that "the review team concludes that the building the proposed transmission line may affect, but not likely to adversely affect, the northern long-eared bat." You base your determination on the ability to avoid adverse impacts using the simple and practicable measures noted for construction of the Fermi Power Plant, Unit 3.

We cannot concur, at this time, with your determination of the potential effects of transmission line construction on NLEB, particularly in light of the large area (244 ac) of forest cover that will be permanently cleared. Consultation pursuant section 7 has also not been completed for all species that may be affected by the 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 has been finalized. We will anticipate the determination and the results of future surveys for species including the two listed bats, as well as for federally listed mussels if stream crossings are proposed.

Questions regarding our resource protection recommendations should be directed to Mr. Burr Fisher at 517/351-8286 or burr_fisher@fws.gov.

Sincerely,



Scott Hicks
Field Supervisor