

SVP-09-032

June 12, 2009

Mr. Richard C. Nelson
Field Supervisor
U.S. Fish and Wildlife Service
1511-47th Avenue
Moline, Illinois 61265

Subject: Submittal of Quad Cities Station Habitat Conservation Plan (HCP),
Incidental Take Permit (ITP) Application and Implementing Agreement (IA)

Dear Mr. Nelson:

Quad Cities Station is hereby submitting a Habitat Conservation Plan (HCP), Incidental Take Permit Application (ITP) and Implementing Agreement (IA) to fulfill requirements of Section 10 (a)(1)(B) of the Endangered Species Act of 1973 to address the potential incidental take of two mussel species: *Lampsilis higginsii* (Higgins eye pearlymussel) and *Plethobasus cyphus* (sheepnose mussel) that are known to exist downstream of Exelon Generation's Quad Cities Nuclear Station.

The U.S. Fish and Wildlife Service originally listed the Higgins eye pearlymussel as an endangered species on June 14, 1976 (Federal Register, 41 FR 24064). One specimen of sheepnose mussel (*Plethobasus cyphus*), which is a candidate for federal listing, was recently collected in the Cordova mussel bed. Based on discussions with Jody Millar and Tom Magnuson, U.S. Fish and Wildlife (USFWS) staff during the HCP consultation process, the sheepnose mussel was included in the attached HCP because it is likely to be federally listed in the near future.

Habitat Conservation Plan (HCP)

The HCP describes plans to minimize and mitigate potential impacts of three activities: 1) implementation of an alternate thermal standard (ATS) that requires approval by the Illinois Pollution Control Board prior to implementation, 2) periodic maintenance dredging in front of Quad Cities Station intake forebay, and 3) removal of an Edison Pier located just upstream on the power plant. The HCP also describes measures to ensure that elements of the HCP are properly implemented including funding sources for implementation, actions to be taken for changed circumstances and unforeseen events, alternatives to the proposed project, and other measures required by U.S. Fish and Wildlife Service that were identified during the HCP consultation and preparation process.

Incidental Take Permit (ITP) Application

The attached Incidental Take Permit application is written seeking authorization for Quad Cities Station to take Higgins eye and sheepsnose mussels associated with implementation of minimization measures (i.e., mussel collection and relocation associated with pre-activity surveys, thermal tolerance studies) and mitigation measures that will be implemented by Quad Cities Station as described in the HCP.

Implementing Agreement

We have also prepared a Draft Implementing Agreement, which is included in this application package. It is our understanding that Implementing Agreements (IA), although not required for low-effect HCPs, assures U.S. Fish and Wildlife, other concerned Agencies and members of the general public that Quad Cities Station will implement the mitigation program and other conditions of the HCP, by following agreed upon procedures and processes for any changes in the conditions of the Incidental Take Permit or the conservation measures for species addressed in the HCP.

If you should have any questions regarding the submittal of this information, please contact Jeremiah Haas at (309) 227-2867.

Sincerely:



Timothy J. Tulon
Site Vice President
Quad Cities Nuclear Power Station

cc: Jody G. Millar
U.S. Fish and Wildlife Service
Assistant Field Supervisor
1511-47th Avenue
Moline, Illinois 61265

Thomas J. Magnuson
U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, MN 55111



Federal Fish and Wildlife Permit Application Form

Return to: U.S. Fish and Wildlife Service (USFWS)

Type of Activity: Native Endangered and Threatened Species –

Endangered Species Permits- USFWS
BHW Federal Bldg., 1 Federal Drive
Fort Snelling, MN 55111-4056

Incidental Take Permits Associated with a Habitat
Conservation Plan (HCP)

Complete Sections A or B, and C, D, and E of this application. U.S. address may be required in Section C, see instructions for details.
See attached instruction pages for information on how to make your application complete and help avoid unnecessary delays.

A. Complete if applying as an individual			
1.a. Last name	1.b. First name	1.c. Middle name or initial	1.d. Suffix
2. Date of birth (mm/dd/yyyy)	3. Social Security No.	4. Occupation	5. Affiliation/ Doing business as (see instructions)
6.a. Telephone number	6.b. Alternate telephone number	6.c. Fax number	6.d. E-mail address

B. Complete if applying on behalf of a business, corporation, public agency or institution			
1.a. Name of business, agency, or institution Exelon Generation Company, LLC		1.b. Doing business as (dba) Quad Cities Nuclear Power Station	
2. Tax identification no. 23-3064219		3. Description of business, agency, or institution Nuclear Power Station	
4.a. Principal officer Last name Tulon	4.b. Principal officer First name Timothy	4.c. Principal officer Middle name/ initial J	4.d. Suffix
5. Principal officer title Site Vice President		6. Primary contact Jeremiah J Haas	
7.a. Business telephone number 309-227-2867	7.b. Alternate telephone number 309-236-9149	7.c. Business fax number 309-227-2887	7.d. Business e-mail address jeremiah.haas@exeloncorp.com

C. All applicants complete address information				
1.a. Physical address (Street address; Apartment #, Suite #, or Room #; no P.O. Boxes) 22710-206th ave N				
1.b. City Cordova	1.c. State IL	1.d. Zip code/Postal code: 61242	1.e. County/Province Rock Island	1.f. Country USA
2.a. Mailing Address (include if different than physical address; include name of contact person if applicable)				
2.b. City	2.c. State	2.d. Zip code/Postal code:	2.e. County/Province	2.f. Country

D. All applicants MUST complete	
1. Attach check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount indicated on page 2. Federal, tribal, State, and local government agencies, and those acting on behalf of such agencies, are exempt from the processing fee – attach documentation of fee exempt status as outlined in instructions. (50 CFR 13.11(d))	
2. Do you currently have or have you ever had any Federal Fish and Wildlife permits? Yes <input type="checkbox"/> If yes, list the number of the most current permit you have held or that you are applying to renew/re-issue: _____ No <input checked="" type="checkbox"/>	
3. Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter I of Title 50, and I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.	
Signature (in blue ink) of applicant/person responsible for permit (No photocopied or stamped signatures)	Date of signature (mm/dd/yyyy) 07-09

Please continue to next page

** See page 14 for additional instructions on completing the above form. See page 15 for information on the Paperwork Reduction Act, Privacy Act, and Freedom of Information Act aspects of this application form.

Section E. ALL APPLICANTS COMPLETE SECTION E. Provide the information outlined in Section E. on the following pages. Be as complete and descriptive as possible. Please do not send pages that are over 8.5"X 11", videotapes, or DVDs.

**INCIDENTAL TAKE PERMITS ASSOCIATED WITH A
HABITAT CONSERVATION PLAN (HCP)**

Have you obtained all required State, Federal or foreign government approval to conduct the activity you propose? Please be aware that there may be other requirements necessary to conduct this activity such as an import permit, collection permit, permission to work on Federal lands, Federal bird banding permit, Corps of Engineers permits, Environmental Protection Agency NPDES permits, State, county or local permits, etc.

- Yes. Provide a copy of the approval(s). List the State, Federal or foreign countries involved and type of document required. Include a copy of these documents with the application.
- I have applied. List the State, Federal or foreign countries involved and type of documents required. Provide the reasons why the permits have not been issued 1. Illinois ITP. 2. Iowa ITP. Both contingent on this ITP approval.
- Not required. The proposed activity is not regulated.

Application Processing Fees

The application processing fee for a new Incidental Take permit, or to renew/re-issue an existing valid permit, is \$100. If permit amendment is required at a time other than renewal/re-issuance, the processing fee is \$50.

Check the appropriate box below and enclose check or money order payable to the *U.S. Fish and Wildlife Service* in the amount of

\$100 for a **new** permit

OR

\$100 to **renew/re-issue** my existing valid permit (with only *minor changes* such as updating my name and address) using my current application package on file.

OR

\$50 to make a **substantive amendment** (with *major changes*) to my existing valid permit [50 CFR 13.11(d)(2)].

If the information in your current application package on file has changed in a manner that triggers a major amendment or a change not otherwise specified in the permit, then you must apply for an amendment to your valid permit. For example, such major changes may include changes in location, activity, amount or type of take, or species to be covered by the permit. Please contact our Ecological Services Field Office located closest to your proposed activity for technical assistance in making this determination. The contact information for our Ecological Services Field Offices can be found on the U.S. Fish & Wildlife Service's office directory web page at <http://www.fws.gov/offices/directory/listofficemap.html>

Please check the **type of amendment** you are requesting --

- add species (specify) _____
- add a geographic area change in personnel
- other (specify) _____

If this application includes **transfer or succession** of a valid Incidental Take permit, please check the box below:

- Transfer or succession of a valid Incidental Take permit associated with a HCP using the current application package on file. No application fee is required.

Incidental Take Permit Application: Option III. New Incidental Take Permit & Supplementary Information for Amendment of a Valid Permit (with major changes).

General permit regulations for the U.S. Fish & Wildlife Service can be found at 50 CFR 13. Regulations for an Incidental Take permit under the Endangered Species Act can be found at 50 CFR 17.22(b)(1) for endangered wildlife species and 50 CFR 17.32(b)(1) for threatened wildlife species.

Each landowner who wishes to be covered under a new or amended Incidental Take permit associated with an HCP must sign (in blue ink) and date the Incidental Take Permit Application Certification Notice at the end of this application, unless the landowner will be covered under this U.S. Fish & Wildlife Service Incidental Take permit via another vehicle, such as a certificate of inclusion (50 CFR 13.25(d)). Any change in the language of the Certification Notice must be reviewed by the Department of Interior, Office of the Solicitor and approved by the U.S. Fish & Wildlife Service. The same person who signs in box D. on page 1 of the application should sign the certification.

If the information in items A. - D. below is already provided in your final HCP (or Implementing Agreement, if applicable), then you do not have to provide it here. Instead, check the box below and use the spaces provided in items A. - D. to indicate the page numbers in your HCP or Implementing Agreement that provide the requested information.

- I am not providing the following information for items A. - D. as part of my Incidental Take permit application, because it is already provided in my final HCP or Implementing Agreement (copy attached or already submitted).

If the requested information in items A. - D. is not provided in your final HCP or final Implementing Agreement, or you are using Option II. to amend your existing valid Incidental Take permit, then attach separate pages for the missing information. In order to assist us in processing your request, please provide the item number (A. 1.a., etc.) of the required information before each of your responses. Thank you.

Please ensure that your final HCP and Implementing Agreement (if applicable) are attached if it has not been previously submitted.

If you have previously submitted a final draft HCP or Implementing Agreement, please indicate the document's date.

Date of final draft HCP 6/2/09

Date of final draft Implementing Agreement 6/2/09

Applications for an Incidental Take permit associated with an HCP must provide the following specific information (relevant to the activity) under items A.- D. below in addition to the general information on page 1 of this application.

A. Identify species and activity:

1. For a new Incidental Take permit:

- a. Provide the common and scientific names of the species being requested for coverage in the permit and their status (endangered (E), threatened (T), proposed endangered (PE), proposed threatened (PT), candidate for listing (C), or species likely to become a candidate (LC)).
- b. Provide the number, age, and sex of such species to the extent known
- c. Quantify the anticipated effects to their habitat.
- d. Describe the land use or water management activity sought to be authorized for each species.

2. For an amended Incidental Take permit:

- a. Identify the species to be added to your valid permit (provide both the scientific, to the most specific taxonomic level, and common names), as well as the species status (see 1.a. above).
- b. Provide the number, age and sex of such species to the extent known.
- c. If any activities requested in this application differ from those authorized in your valid permit, then for each

species state the currently authorized activity, the requested new activity, and how the new activity will impact each species.

- d. Identify each activity associated with your project that would result in the incidental take of each species.
- e. Quantify any anticipated effects to the habitat of each added species.
- f. Identify species to be deleted from your valid permit and the reason(s) for the deletion.

Page(s) & source document : A1 - pages 13-37

B. Identify location of the proposed activity:

1. Provide the name of the State, county, and specific location of the proposed activity site(s). Include a formal legal description, section/township/range information, county tax parcel number, local address, or any other identifying property designation that will precisely place the location of the proposed activity site(s). Attach a location map and plat of the project site clearly depicting the project boundaries and the footprint and location of all portions of the property that would be affected by your proposed activities.
2. Provide the total number of acres covered by the HCP 1173
Is this the total acreage of the parcel? (circle one) yes no
3. Provide the approximate number of acres to be impacted 1173
4. Provide the approximate number of acres to be protected ---
5. Provide a complete description, including timeframes, for implementation of proposed voluntary management activities to enhance, restore, or maintain habitat benefiting federally listed, proposed or candidate species, or other species likely to become candidates. Include schedules for implementing these activities.

Page(s) & source document: B-1 through B-4, pages 10-14; B-5, pages 67-81.

C. Describe the proposed activities in the conservation plan:

You must submit a Habitat Conservation Plan. We strongly encourage you to ensure that your HCP is consistent with the Habitat Conservation Planning Handbook, subsequent Handbook addendums, and current policies to minimize delays in evaluating your application. The Handbook and other HCP information is available on the U.S. Fish & Wildlife Service's Endangered Species web page at <http://www.fws.gov/endangered/hcp/index.html>

Provide a complete description of activity(ies) to be authorized or reference the applicable HCP or Implementing Agreement page numbers identifying the subject information.

The HCP must specify:

1. The impact that will likely result from the incidental taking. A discussion of the impact that will likely result from the incidental take should include quantification of any anticipated effects to the habitat of the species sought to be covered by the permit. pages 40-66
2. The steps that will be taken to minimize and mitigate such impacts, the funding that will be available to implement such steps, and the procedures to deal with unforeseen circumstances. pages 67-73
3. The steps that will be taken to monitor and report on such impacts, including a copy of the monitoring plan. We are authorized to require reports of activities conducted under a permit per the U.S. Fish & Wildlife Service's general permit regulations at 50 CFR 13.45. pages 73-82
4. Alternative actions to such incidental taking that have been considered and the reasons why these alternatives are not proposed for use. pages 83-84

5. The biological goals(s) and objectives for the HCP. page 67

6. The duration requested for the proposed permit. page 6

Page(s) & source document : see above for specific source

D. Implementing Agreement

An Implementing Agreement

is

is not

(FWS *Regional Office* to circle one)

required as part of the permit application for a Habitat Conservation Plan.

This Implementing Agreement must be signed at finalization of the HCP. Are you willing to commit to an Implementing Agreement at finalization of the HCP?

Yes, I am willing to commit to an Implementing Agreement. Please submit any unsigned, draft Implementing Agreement that you have prepared with our Field Office.

No, I am not willing to commit to an Implementing Agreement.

Incidental Take Permit Application

Certification Notice

The same person who signs in box D. on page 1 of the application should sign (in blue ink) the following certification.

By submitting this application and receiving an Incidental Take permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act, I

Exelon Generation Company, LLC (print name(s)) attest that I/we own the lands indicated in this application, or have sufficient authority or rights over these lands to implement the measures of the Habitat Conservation Plan (and Implementing Agreement if applicable) covered by the Incidental Take permit. Further, upon receipt of the Incidental Take permit, I/we agree to conduct the activities as specified in the Habitat Conservation Plan (and Implementing Agreement if applicable) according to the terms and conditions of the Incidental Take permit and its supporting documents

T J Tulon
signature (in blue ink)

6-17-09
date

T J Tulon
please print name legibly

signature (in blue ink)

date

please print name legibly

The public reporting burden for completing this application for an Incidental Take permit is estimated to be 3 hours, including time for reviewing instructions, gathering and maintaining application data, and completing and reviewing the forms. Comments regarding the burden estimate or any other aspect of the reporting requirement(s) should be directed to the U.S. Fish & Wildlife Service Information Collection Clearance Officer, MS 222 ARLSQ, U.S. Fish and Wildlife Service, Washington, DC 20240.

An agency may not conduct and a person is not required to respond to a collection of information unless a currently valid OMB control number is displayed.
