

5726RF92

Department of Energy

ROCKY FLATS OFFICE
P O BOX 928
GOLDEN COLORADO 80402-0928



NOV 05 1992

ACTION	DIST	LTR	ENC
ENJAMIN A			
ENJAMIN HS			
ARNIVAL GJ			
OPP RD			
ORDOVA, RC			
AVIS JG			
ERRERA, DW			
ANNI BJ			
EALY, TJ			
ILBIG, JG			
DEKER, EH			
ERSH JM		X	
IRBY WA			
UESTER A W			
EE EM			
IANN HP			
IARX GE			
ACKENNA FG			
MONROSE JK			
MORGAN RV			
PIZZUTO VM			
POTTER, GL			
RILEY, JH			
SANDLIN NB			
BATTERWHITE DG			
SCHUBERT AL			
SHEPLER RL			
SULLIVAN MT			
SWANSON ER			
WHITE, BL			
WILSON RB			
WILSON JM			
ZANE, JO			
Benedetti		X	
Nesta		SM	

Mr. LeRoy Carlson
U.S. Fish and Wildlife Service
Colorado State Office
730 Simms St.
Golden, Colorado 80401

Dear Mr. Carlson:

This letter serves to initiate informal consultation under the Endangered Species Act (ESA) per 50 CFR Part 402.13 regarding a threatened plant species, *Spiranthes diluvialis*, which was listed in January 1992. Both a habitat survey and a presence/absence survey were conducted per the U.S. Fish and Wildlife (FWS) interim survey requirements for *Spiranthes*, dated July 13, 1992. Two copies of the Rocky Flats Plant "Report of Findings - Ute Ladies' - Tresses Surveys, Rocky Flats Buffer Zone, Jefferson County, Colorado" dated September 30, 1992, are enclosed for your review and information.

This survey identified areas at the RFP with both potential and prime habitat for *Spiranthes*. These areas are shown on the enclosed map. However, this survey did not result in the identification of *Spiranthes diluvialis* individuals.

As a result, it is the U.S. Department of Energy (DOE), Rocky Flats Office's (RFO's) opinion that formal Section 7 consultation under the ESA is not necessary. As is stated in the FWS interim survey requirements, surveys will be considered final for three years. Thus, the survey for *Spiranthes* will be repeated no later than July-August, 1995.

We request that FWS review the enclosed report and provide written concurrence to DOE/RFO that we have satisfied the interim survey requirements and that informal consultation is sufficient. We further request that FWS provide concurrence as soon as possible since we are currently delaying projects located in areas having either potential or prime *Spiranthes* habitat.

As an additional note, we wish to revisit the issue of *Spiranthes* at the Operable Unit (OU) No. 1 French Drain site at the Rocky Flats Plant. A March 16, 1992, letter regarding this issue was transmitted to FWS by DOE/RFO. In this letter we requested that Section 7(a)(1) consultation be initiated as a result of habitat destruction by the French Drain construction in the Fall of 1991. As a result of the *Spiranthes* survey conducted in 1992 at the Rocky Flats Plant, we request that the *Spiranthes* issue at OU 1 be closed. Our reasoning for the request is that an extensive *Spiranthes* survey was conducted this year at the Rocky Flats Plant which included habitat more suitable for *Spiranthes* than that destroyed by the French Drain construction. Since no *Spiranthes* were identified, it is DOE/RFO's contention that the likelihood of *Spiranthes* presence at OU 1 was very low.

CORRES CONTROL	Y	Y
TRAFFIC		

Reviewed for Addressee
Corres Con of RFP

11-9-92
DATE BY

Ref Ltr #

ADMIN RECORD

L. Carlson
92-DOE-12700

Questions or concerns regarding this letter and enclosure should be directed to Bruce Thatcher of my staff at 966-3532.

Sincerely,


James K. Hartman
Assistant Manager
for Environmental Management

Enclosure

cc w/Enclosure:
J. Ciocco, EM-453
M. Hestmark, EPA
G. Baughman, CDH
D. Weber, CDOW
C. Franklin, EMB, RFO

cc w/o Enclosure:
R. Schassburger, ERD, RFO
B. Thatcher, ERD, RFO
P. Powell, ERD, RFO
B. Burk, ERD, RFO
S. Grace, ERD, RFO
J. Pepe, ERD, RFO
S. Surovchak, ERD, RFO
J. Kersh, EG&G
R. Benedetti, EG&G
S. Nesta, EG&G
R. Stewart, DOI