

June 8, 2001

Mr. Robert Hoffman  
National Marine Fisheries Service  
Southeast Regional Office  
9721 Executive Center Drive North  
St. Petersburg, Florida 33702

SUBJECT: BIOLOGICAL OPINION, ST. LUCIE PLANT, UNITS 1 AND 2

Dear Mr. Hoffman:

This letter confirms our telephone conversation of May 31, 2001, to discuss the National Marine Fisheries Services' (NMFS) Biological Opinion for the St. Lucie Plant, which was issued May 4, 2001. Other participants in the phone call were James Wilson and Kimberly Leigh of the U.S. Nuclear Regulatory Commission (NRC) environmental staff.

The purpose of the call was to clarify certain provisions of the Incidental Take Statement (ITS) contained in the Opinion. Based on our discussions, the NRC will use the following interpretations in enforcing the ITS:

1. The new limits are effective as of the date of the Opinion, however, St. Lucie may continue to account on a calendar year basis.
2. The limits on killed or injured turtles only apply to death or injury resulting from plant operation. Death or injury, which can be attributed to other causes (e.g., boating or fishing accidents, sickness or disease) are not counted against these limits.
3. Injuries are counted only if there is sufficient trauma to require treatment or rehabilitation. Minor injuries such as nicked or scratched shells, which would not prevent the turtle from being released, are not counted.
4. The need to reinitiate consultation for green and loggerhead turtles will be determined at the end of the year, when the annual incidental take numbers are finalized. It is not required for excursions above the limit during the year.
5. The limit on leatherback and hawksbill turtles will require reinitiation of consultation any time one is killed or injured due to plant operation.
6. The St. Lucie Plant's current measures and procedures for determining whether injury or death of a sea turtle is from plant operation or from factors not related to plant operation are considered acceptable by NMFS.

We appreciate the opportunity to clarify these points and obtain the additional information you provided. If you have any comments or questions regarding any of our interpretations stated above, please contact me at (301) 415-3974.

Sincerely,

*/RA/*

Brendan T. Moroney, Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-335 and 50-389

cc: See next page

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Florida Power and Light Company

**ST. LUCIE PLANT**

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