



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
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JUL 30 2002

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Mr. Pao-Tsin Kuo
License Renewal and Environmental Impacts
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington D.C. 20555-0001

50-335/389

Dear Mr. Kuo:

This is in response to your letter dated June 3, 2002, regarding Florida Power and Light Company's (FPL) application for a 20-year renewal of the operating licenses for the St. Lucie Power Plant's units 1 and 2. This would allow the continued operation and maintenance of existing facilities and transmission lines, including the cooling water intake system for these units beginning in 2016 and 2023 respectively. FPL has indicated that the proposed action would not result in new construction or habitat disturbance. FPL's St. Lucie Power Plant is located in St. Lucie County, Florida. The National Marine Fisheries Service (NOAA Fisheries) consultation number for this project is I/SER/2002/00628; please refer to this number in future correspondence on this project.

NOAA Fisheries in a biological opinion (Opinion) dated May 4, 2001, determined that the use of the cooling water intake system for both units was likely to adversely affect loggerhead, green, Kemp's ridley, hawksbill, and leatherback sea turtles. In its May 4, 2001, Opinion NOAA Fisheries determined that the effects associated with the cooling water intake system were not likely to jeopardize the continued existence of the five species of sea turtles listed above over a ten year period. However, NOAA Fisheries determined take of these species was likely and issued an incidental take statement (ITS) with its Opinion. The ITS also contained mandatory terms and conditions to minimize the effects of this take. Because the proposed action is so far in the future, NOAA Fisheries does not believe additional consultation is required at this time. The current Opinion is valid until May 4, 2011, at which time consultation should be reinitiated and another Opinion issued. Consultation should also be reinitiated if new information reveals effects of the action not previously considered, or the identified action is subsequently modified in a manner that causes an effect to listed species or critical habitat in a manner or to an extent not previously considered, if a new species is listed or critical habitat designated that may be affected by the identified action or if the plant meets or exceeds the current ITS levels.

Your letter mentions our letter dated June 8, 2001, and the clarification we gave regarding the incidental take of loggerhead and green turtles. In this letter we state, "the ITS limits for injured and dead loggerhead and green turtles are based on a percentage (1%) of the total loggerhead and

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green turtles taken in one year; therefore, reinitiation would have to take place if the number of loggerhead and green turtles injured or killed as a result of plant operations were greater than 1% of the total number of loggerhead and green turtles taken by the end of said year"; however, this is incorrect. Consultation should be reinitiated if take is *greater than or equal to* that of the May 4, 2001, Opinion. We apologize for this error and any inconvenience it may have caused.

Your letter also indicates that FPL is planning a separate action that would make modifications to the intake canal and its existing turtle excluder net. Please send the plans for this modification to us for review and consultation under section 7 of the Endangered Species Act (ESA).

If you have any questions about this ESA section 7 consultation, please contact Mr. Robert Hoffman, fishery biologist, at the number listed above.

Sincerely yours,



for Joseph E. Powers, Ph.D.
Acting Regional Administrator

cc: F/PR3
F/SER43 - Mike Johnson

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