



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

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Mr. Pao-Tsin Kuo, Program Director
License Renewal and Environmental Impacts
Division Of Regulatory Improvement Program
Office of Nuclear Reactor Regulation
Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Kuo:

This is in reference to your letter dated February 10, 2003, regarding reinitiation of the Endangered Species Act (ESA) section 7 consultation for the St. Lucie Nuclear Power Plant, located on Hutchinson Island, St. Lucie County, Florida. Consultation was completed by the National Marine Fisheries Service (NOAA Fisheries) and a no jeopardy biological opinion was issued on May 4, 2001. The Nuclear Regulatory Commission (NRC) has requested reinitiation of section 7 consultation based on the fact that the plant met the incidental take limit for green sea turtles as set by the incidental take statement (ITS) issued as part of the May 4, 2001, Opinion. NRC has installed a new barrier net system in its intake canal that is expected to better protect sea turtles that are drawn into the plant's cooling water canal.

The ITS authorizes a one percent take by injury or mortality of the total number of green and loggerhead turtles captured in the canal per year. When making its no jeopardy determination NOAA Fisheries assumed 1000 captures per year meaning that 10 green and loggerhead turtles would be injured or killed per year. NOAA Fisheries determined that this amount of take over a five year period, even if all 10 injuries or mortalities were of the same species, would not jeopardize the continued existence of either species. The specification of an ITS based on percentage was necessary to ensure that the effectiveness of the turtle protection measures at the plant were carefully monitored and to allow for corrective action if injury or mortality rates increased.

In 2001 the plant recorded six green turtle mortalities. The plant captured a total of 592 green and loggerhead turtles in the intake canal in 2001 which equated to a combined incidental take by injury or mortality of 6 green and loggerhead turtles (there were no loggerhead mortalities or injuries in 2001). Of the six green turtles killed, five were killed as a result of impacts from the plant's intake structure. These turtles gained access to the intake structure because of heavy debris loading on the barrier net which required the net to be lowered to allow for debris removal. The plant has installed a new barrier net system with modifications which should reduce debris loading on the net and lessen the need to lower the net. NOAA Fisheries reviewed



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the plans for the new barrier net prior to its construction and agrees with your conclusion that the modifications will result in less blockage of the barrier net reducing the need to lower the net. This will reduce the chances of turtles gaining access to the plant's intake structures where they have a much greater chance of being killed or injured.

NOAA Fisheries' no jeopardy opinion was based on a take of 10 green and loggerhead turtles injured or killed per year over a five year period, even if all 10 turtles were of the same species. Therefore, NOAA Fisheries does not believe that the lethal take of six green turtles in 2001 represents new information that will change the conclusions of the May 4, 2001, opinion. Also as stated above NOAA Fisheries believes that the modifications to the barrier net system will reduce mortality of sea turtles due to plant operations reducing the chances that the plant will meet or exceed the take limits for injured or killed green and loggerhead turtles in the future.

~~This concludes the NRC's consultation responsibilities under section 7 of the ESA. Consultation must be initiated if take occurs above the limits set by the ITS issued with the May 4, 2001, opinion or 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, or if a new species is listed or critical habitat designated that may be affected by the identified action.~~

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

Sincerely,



Roy E. Crabtree, Ph.D.
Regional Administrator

cc: F/PR

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