

June 29, 2006

Mr. Paul Souza
Acting Field Supervisor
South Florida Ecological Services Office
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960

SUBJECT: REQUEST MODIFICATION OF BIOLOGICAL OPINION FOR ONGOING
ACTIVITIES RELATED TO THE OPERATION OF TURKEY POINT, UNITS 3
AND 4 (TAC NOS. MC9679 AND MC9680)

Dear Mr. Souza:

The U.S. Nuclear Regulatory Commission (NRC) is requesting modification of the amount of incidental take anticipated in the U.S. Fish and Wildlife Service (Service) Biological Opinion (BO), dated May 5, 2006, regarding the ongoing activities related to the operation of Turkey Point, Units 3 and 4. The Turkey Point Plant is located in Miami-Dade County, Florida, and is operated by the Florida Power & Light Company (FPL). On December 21, 2005, an FPL Environmental Specialist discovered a dead American crocodile (*Crocodylus acutus*) during a routine daily wildlife survey, which triggered initiation of a formal consultation. According to the Incidental Take Statement in the Service's 2006 BO, the incidental take limit is one American crocodile every five years in the form of accidental direct mortality resulting from the ongoing operations at the Turkey Point Plant.

On May 27, 2006, an American crocodile subadult (three feet long) was killed at the Turkey Point Plant in the same location as the mortality discovered on December 21, 2005. The crocodile was struck and killed by a security vehicle on routine patrol of the cooling canals. The NRC requires security patrol at the Turkey Point Plant; therefore, vehicular access to this road must be maintained. All the required safeguards per the 2006 BO were in place. Additionally, the speed limit on that road has since been reduced to five miles per hour. It may benefit FPL to track crocodile movement patterns by attaching satellite transmitters to several animals on site.

The estimated population of non-hatchling American crocodiles at Turkey Point is about 400. This is a significant increase from the 1985 estimate of 19 (Gaby et. al. 1985) and the 1995 estimate of 39 (Brandt et. al. 1995). The increase in population is a direct result of on-site nesting in the Turkey Point cooling canal system. The manmade cooling canals continue to provide ideal habitat for the American crocodile.

On October 6, 2004, the Service issued a BO to the U.S. Army Corps of Engineers regarding FPL's proposed Unit 5 Turkey Point expansion project. As a result of that consultation and BO, FPL committed to enhancement of 8.05 acres of potential crocodile nesting habitat by removing exotic vegetation, construction of 1.35 acres of freshwater lagoons for juvenile crocodiles, and restoration of 5.6 acres of wetlands in the area of the test cooling canals. This mitigation has benefitted the American crocodile by successfully attracting them to the restored area as

demonstrated by the increased crocodile activity in the area. The crocodiles are moving between the cooling canal system and the mitigation area in the test cooling canals. Such movement requires them to cross a dirt road, which is the road where the 2005 and 2006 crocodile mortalities occurred. The population increase and the newly restored habitat have been likely factors in the recent crocodile mortalities at the Turkey Point Plant.

Due to the recent take after the conclusion of the 2006 consultation, the NRC staff hereby requests a modification of the BO to allow for anticipated incidental take of one American crocodile per year for the Turkey Point site. Also, if the Service modifies the existing incidental take limit, please clarify if the recent 2006 take would count toward the new limit or if the annual take count would begin on the date of the Service's response to this request. If you have any questions regarding the staff's request, please contact Ms. Harriet Nash of the Environmental Branch at 301-415-4100 or by e-mail at hln@nrc.gov.

Sincerely,

/RA/

Frank Gillespie, Director
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

cc: See next page

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Division of License Renewal
Office of Nuclear Reactor Regulation

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