

April 4, 2007

Mr. David Bernhart
Assistant Regional Administrator for Protected Resources
National Marine Fisheries Service
Southeast Regional Office
263 13th Avenue, South
St. Petersburg, FL 33701

SUBJECT: REQUEST FOR REINITIATION OF SECTION 7 CONSULTATION UNDER THE
ENDANGERED SPECIES ACT REGARDING SEA TURTLES AT THE
ST. LUCIE NUCLEAR POWER PLANT (TAC NOS. MD4260 AND MD4261)

Dear Mr. Bernhart:

The St. Lucie Nuclear Power Plant (SLNPP) exceeded the annual incidental take limit for sea turtles in 2006. The plant entrained a total of 662 green turtles (*Chelonia mydas*) and loggerhead turtles (*Caretta caretta*). The incidental take limit of 1% of entrained green and loggerhead turtles was exceeded because 29 of the 662 entrained turtles were injured or killed due to plant operation.

Exceeding this incidental take limit requires the U.S. Nuclear Regulatory Commission (NRC) to reinitiate a formal consultation with National Marine Fisheries Service (NMFS) according to Section 7 of the Endangered Species Act. The NRC and NMFS are currently in formal consultation regarding the smalltooth sawfish (*Pristis pectinata*) at the SLNPP. As discussed previously, NMFS will include concerns for sea turtles in the ongoing consultation regarding the smalltooth sawfish because we are still in the reinitiation phase. NMFS would conclude the consultation with one comprehensive biological opinion for operation of SLNPP to address all species under their jurisdiction, including the smalltooth sawfish and sea turtles.

Turtle injuries were likely caused by hurricane debris and/or biofouling in the intake pipes leading to the intake canal. An inspection of the pipes is expected to occur during an outage in April 2007. Corrective actions will be determined by NMFS and NRC based on the inspection results.

On January 22, 2006, a small, dead green turtle was discovered impinged at the intake well for Unit 2. On October 25 and 26, 2006, 21 loggerhead hatchling mortalities were discovered and likely resulted from a single hatching event from an undetected nest on the intake canal bank. During the same event, three loggerhead hatchlings were retrieved alive and later released on November 4, 2006. The January and October mortalities resulted from drowning as a result of impingement at the intake wells. Event reports for the mortalities are enclosed. Instead of submitting a revised biological assessment for sea turtles, we are summarizing here the takes that were causal to plant operation in 2006 in the following table.

Summary of Sea Turtle Takes Causal to Plant Operation in 2006

| Date | Species | Number of | Injury/Mortality |
|-------------|------------------------|------------------|-------------------------|
| 1/22/06 | <i>Chelonia mydas</i> | 1 | Mortality |
| 7/12/06 | <i>Chelonia mydas</i> | 1 | Injury |
| 7/18/06 | <i>Chelonia mydas</i> | 1 | Injury |
| 8/15/06 | <i>Chelonia mydas</i> | 1 | Injury |
| 9/2/06 | <i>Chelonia mydas</i> | 1 | Injury |
| 9/13/06 | <i>Chelonia mydas</i> | 1 | Injury |
| 9/25/06 | <i>Chelonia mydas</i> | 1 | Injury |
| 10/12/06 | <i>Chelonia mydas</i> | 1 | Injury |
| 10/25/06 | <i>Caretta caretta</i> | 11* | Mortality |
| 10/26/06 | <i>Caretta caretta</i> | 10* | Mortality |

* Loggerhead hatchlings from an undetected nest located on the berm of the intake canal. Hatchlings were found in the weir pits of each unit. An additional 3 hatchlings were found alive and sent to rehabilitation.

We look forward to continuing to work closely with NMFS to conclude the Section 7 consultation for the St. Lucie Power Plant. If you have any questions or need more information, please contact Harriet Nash at hln@nrc.gov or 301-415-4100.

Sincerely,

/RA/

Eric Benner, Branch Chief
 Environmental Branch A
 Division of License Renewal
 Office of Nuclear Reactor Regulation

Docket No.(s) 50-335 and 50-389

Enclosures:
 As stated

cc w/encls: See next page

Summary of Sea Turtle Takes Causal to Plant Operation in 2006

| Date | Species | Number of Turtles | Injury/Mortality |
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Eric Benner, Branch Chief
Environmental Branch A
Division of License Renewal
Office of Nuclear Reactor Regulation

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