

August 14, 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: BIOLOGICAL ASSESSMENT FOR THE REINITIATION OF A FORMAL
CONSULTATION UNDER THE ENDANGERED SPECIES ACT TO INCLUDE
SEA TURTLES AT THE ST. LUCIE NUCLEAR POWER PLANT (TAC NOS.
MD4260 AND MD4261)

Dear Mr. Bernhart:

The U.S. Nuclear Regulatory Commission (NRC) staff has prepared the enclosed Biological Assessment (BA) to reinitiate formal consultation under Section 7 of the Endangered Species Act of 1973, as amended, regarding the continued operation of the St. Lucie Nuclear Power Plant (SLNPP). In your May 4, 2001, Biological Opinion (BO), the current Incidental Take Statement (ITS), as clarified by letter dated July 30, 2002, authorizes the annual take limit for injured and dead (due to plant operations) loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) turtles by percentage, up to one percent of the annual total entrained loggerhead and green turtles (combined). Additionally, there are limits causally related to plant operations of two lethal takes of Kemp's ridley turtles (*Lepidochelys kempii*) each year and of one hawksbill (*Eretmochelys imbricata*) or leatherback (*Dermochelys coriacea*) turtle injured or killed every two years. There is an annual maximum of 1000 takes for all sea turtle species combined, regardless of cause. The one percent take limit for sea turtles was exceeded in 2006. The NRC is requesting with the submission of the enclosed BA that sea turtles be included in the reinitiation of formal consultation that is already underway in response to a take of the Federally endangered smalltooth sawfish (*Pristis pectinata*).

On April 17-18, 2007, representatives of the NRC, National Marine Fisheries Service (NMFS), and the Florida Power & Light Company (the licensee that maintains and operates the SLNPP) met to observe the inspection of the southern 12-ft-diameter intake pipe and discuss possible mitigation measures to reduce impingement and entrainment of protected marine species, specifically sea turtles and smalltooth sawfish, into the SLNPP intake canal. At the visit, potential mitigation measures were discussed, and these are described in detail in the enclosed BA.

D. Bernhart

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We look forward to continuing to work closely with NMFS to conclude the Section 7 consultation for SLNPP. If you have any questions or need more information, please contact Dr. Dennis Logan at 301-415-0490 or via e-mail DTL1@nrc.gov.

Sincerely,

/RA/

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

Docket Nos. 50-335 and 50-389

Enclosure:
As stated

cc w/encl: See next page

D. Bernhart

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