

NRR-PMDAPEm Resource

From: Logan, Dennis
Sent: Monday, November 28, 2011 2:54 PM
To: Julie Crocker
Cc: Imboden, Andy; Balsam, Briana
Subject: RE: Oyster Creek Biological Opinion

Julie,

Both Andy and I were out of town, so we just received this today. Briana and I reviewed this, and we have an initial question about the ITS for the Oyster Creek biological opinion that we are hoping you can clarify.

The ITS specifies the anticipated take as a total number from November 21, 2011, through the end of the license (April 2029). This part is clear. The cover letter, however, references an "estimated annual take" in this sentence:

"As noted in the ITS, in any year when the estimated annual level of take (lethal and non-lethal is exceeded), NRC must work with us to determine whether the additional take represents new information revealing effects of the action that may not have been previously considered."

Term and Condition #10 on Page 82 also references the same term.

To what does the "estimated annual take" refer?

The ITS only specifies the total take over the remainder of the license. We thought that perhaps the "estimated annual take" might refer to the total take per species over the 19 years (for the number of years remaining under Oyster Creek's license). In this case, we would contact NMFS if >4 Kemp's ridleys (>2 lethal), > 1 loggerhead (1 lethal), or >1 green turtle (1 lethal) were taken in a given year (rounding up).

We want to check with you to make sure that this assumption is correct, though, so that we ensure that we are fully complying with the ITS's terms and conditions.

This question came from our initial review, so it is possible that we or the licensee may have other questions after further review.

Thanks,
Dennis

-----Original Message-----

From: Julie Crocker [<mailto:Julie.Crocker@Noaa.Gov>]
Sent: Tuesday, November 22, 2011 11:49 AM
To: Logan, Dennis; Imboden, Andy
Subject: Oyster Creek Biological Opinion

Hi Andy and Dennis -

Signed Oyster Creek Opinion is attached - it isn't radically different than past iterations but you will notice that we considered effects to the Northwest Atlantic DPS of loggerheads (rather than loggerheads globally; the new listing of 9 DPSs replaced the global listing of one unit). We also changed the structure of the take limit - it is now a "total" number of takes over the life of the license (rather than an annual max) with a requirement that if the annual estimate is exceeded we work together to decide if that represents new information requiring re-

initiation. Please also note that as described in the cover letter, we do not anticipate any impacts to Atlantic sturgeon (currently proposed for listing) and have determined no conference is necessary. As such, if the Atlantic sturgeon listing is finalized, this Opinion would not need to be reinitiated to consider effects to Atlantic sturgeon.

Please let me know if you have any questions.

Happy Thanksgiving,
Julie

Hearing Identifier: NRR_PMDA
Email Number: 208

Mail Envelope Properties (A56E37EC1CBC8045910287CEF5E7AE6CCE02C78AF8)

Subject: RE: Oyster Creek Biological Opinion
Sent Date: 11/28/2011 2:53:39 PM
Received Date: 11/28/2011 2:53:40 PM
From: Logan, Dennis

Created By: Dennis.Logan@nrc.gov

Recipients:

"Imboden, Andy" <Andy.Imboden@nrc.gov>
Tracking Status: None
"Balsam, Briana" <Briana.Balsam@nrc.gov>
Tracking Status: None
"Julie Crocker" <Julie.Crocker@Noaa.Gov>
Tracking Status: None

Post Office: HQCLSTR01.nrc.gov

Files	Size	Date & Time
MESSAGE	2846	11/28/2011 2:53:40 PM

Options

Priority: Standard
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:
Recipients Received: