

## NRR-PMDAPEm Resource

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**From:** Balsam, Briana  
**Sent:** Tuesday, November 29, 2011 7:25 AM  
**To:** Julie Crocker; Logan, Dennis  
**Cc:** Imboden, Andy  
**Subject:** RE: Oyster Creek Biological Opinion

Julie,

Thanks for the clarification. We will make sure that we "flag" any takes at Oyster Creek that go above the limits mentioned in Dennis's email and coordinate with your office at that time to discuss any appropriate follow-up actions.

Briana

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

From: Julie Crocker [\[mailto:Julie.Crocker@Noaa.Gov\]](mailto:Julie.Crocker@Noaa.Gov)  
Sent: Monday, November 28, 2011 4:21 PM  
To: Logan, Dennis  
Cc: Imboden, Andy; Balsam, Briana  
Subject: Re: Oyster Creek Biological Opinion

Yes, your interpretation is correct. Sorry for the confusion - I think in one draft version those annual estimates were in the text but got deleted along the way. Thanks - and let me know if you have any additional questions.

I will have a draft of Salem to you tomorrow morning.

Julie

On 11/28/2011 2:53 PM, Logan, Dennis wrote:

> 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:

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> "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."

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

>

> To what does the "estimated annual take" refer?

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> 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.

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> 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

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> -----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.

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> Please let me know if you have any questions.

>

> Happy Thanksgiving,

> Julie

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**Sent Date:** 11/29/2011 7:24:38 AM  
**Received Date:** 11/29/2011 7:24:00 AM  
**From:** Balsam, Briana

**Created By:** Briana.Balsam@nrc.gov

**Recipients:**

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

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MESSAGE	3726	11/29/2011 7:24:00 AM

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**Reply Requested:** No  
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