



**Florida
Power**

CORPORATION
Crystal River Unit 3
Docket No. 80-302
Operating License No. DPR-72

May 24, 1999
3F0599-20

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555-0001

Subject: Comments on the Draft Biological Opinion Regarding Impact to Sea Turtles at the Crystal River Energy Complex (TAC No. MA1706)

Reference: NRC to FPC letter, 3N0499-04, dated April 8, 1999, "Draft Biological Opinion Regarding Impact to Sea Turtles at the Crystal River Energy Complex (TAC No. MA1706)"

Dear Sir:

This letter encloses Florida Power Corporation's comments on the above referenced National Marine Fisheries Service's April 8, 1999, draft biological opinion.

If you have any questions regarding this submittal, please contact Mr. Sid Powell, Manager, Nuclear Licensing at (352) 563-4883.

Sincerely,

S. L. Bernhoft

S. L. Bernhoft,
Director, Nuclear Regulatory Affairs

SLB/smg

Attachment

xc: Regional Administrator, Region II
NRR Project Manager
Senior Resident Inspector

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Comments on the National Marine Fisheries Service's Draft Biological Opinion Regarding Impact to Sea Turtles at the Crystal River Energy Complex

General Comments

Florida Power Corporation (FPC) concurs with the environmental baseline information provided in the draft Biological Opinion (Sections I - VII), except for the minor and specific comments below. This environmental baseline information is comprehensive and descriptive of the environmental factors existing near the Crystal River Energy Complex (CREC).

Section VIII. Incidental Take Statement

The sea turtle influxes in the CREC intake canal have been documented to vary widely between approximately 2 to 50 sea turtles annually. Since conditions at the plant site have not changed significantly, the large variation is likely due to environmental factors unrelated to operations at the CREC.

FPC believes that a numerical limit on live takes is not necessary to ensure protection of the sea turtle population. However, if established, it should be averaged over a longer time period to allow for periodic higher influxes. Accordingly, FPC recommends that the time period on the live incidental take limit be extended, but without increasing the annual average value. FPC recommends the time period be averaged over a three or five year period. The allowed live incidental take therefore would be increased to 75 over a three year time period or 125 over a five year period. This allows the annual levels to still be averaged at the National Marine Fisheries Service's (NMFS) original proposed level of 25 per year (biennially 50).

Lethal Takes

The draft biological opinion makes an appropriate distinction between mortalities being causally or non-causally plant related. This distinction further encourages FPC to maintain an aggressive sea turtle rescue program to prevent mortalities. However, FPC recommends the lethal incidental take limit also be averaged over the same time span as that recommended for the live incidental takes. This would result in a lethal take limit of no more than 7 sea turtles over a three year period or 12 over a five year period.

Section IX. Conservation Recommendations

FPC believes that Conservation Recommendation #1 should be deleted. Tissue sampling of sea turtles is normally performed to determine associations between nesting populations. While tissue sampling may be appropriate for other sea turtle species, tissue sampling of Kemp's ridleys is unnecessary since the entire Gulf population is associated with one nesting beach in Mexico. Since genotypes typically overlap, a large sampling population is needed to look at the frequency of genotypic variations. In addition, tissue samples are typically collected from dead specimens, and the low number of sea turtle mortalities occurring at the CREC would not provide a sufficient number of tissue samples for the data to be of significance.

FPC concurs with Conservation Recommendation #2 which states that a tagging program should be established in conjunction with the Florida Department of Environmental Protection (FDEP).

FPC believes that Conservation Recommendation #3 should be modified to a recommendation that FPC continue evaluation of methods to reduce sea turtle takes. FPC's concern is that a diversionary structure in the CREC intake canal is not likely an effective means of reducing sea turtle takes.

Specific Comments

Section II. Description of the Proposed Action

The exact schedule for the bar rack inspection program is based on sea turtle observations and the judgement of the CREC environmental staff. The dates of "February through May" should be qualified with "e.g., February through May" and are "normally" inspected once every two hours during other times of the year.

Section V. Effects of the Action

Paragraph 3, replace "moralities" with "mortalities"

Paragraph 6, replace "biannually" with "biennially". Replace BSEP with CREC

Section VIII. Incidental Take Statement

In Paragraph 3, the take numbers are inconsistent with Section V, the last paragraph. The Section V paragraph states that the live takes may reach 50 sea turtles rescued alive from the bar rack biennially and 5 lethal takes, whereas Section VIII, paragraph 3, states 50 takes with 5 being lethal. FPC recommended in its Biological Assessment that specific numerical limits not be included. However, if specific numerical limits must be included, a clarification of intent is needed as to whether the lethal take limits are inclusive or exclusive of the live take numerical limits.