

TurkeyPointLANPEm Resource

From: Julie [julie@evergladeslaw.org]
Sent: Friday, August 08, 2014 4:02 PM
To: John_Wrublik@fws.gov
Cc: Klett, Audrey; Bates, Terrie; Burns, Scott; Coram, Phil; herschel.vinyard@dep.state.fl.us
Subject: Investigation into dead crocodile in cooling canal system at Turkey Point
Attachments: Final letter to FWS 8.8.14.pdf

Follow Up Flag: Follow up
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Dear Mr. Wrublik,

Please see the attached letter I am sending on behalf of National Parks Conservation Association, Center for Biological Diversity, Tropical Audubon Society, Defenders of Wildlife and Biscayne Bay Waterkeeper. Please feel free to contact me with any questions.

Best Regards,

Julie Dick
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Hearing Identifier: TurkeyPoint_LA_NonPublic
Email Number: 197

Mail Envelope Properties (D00AA4E9.19501%julie)

Subject: Investigation into dead crocodile in cooling canal system at Turkey Point
Sent Date: 8/8/2014 4:01:45 PM
Received Date: 8/8/2014 5:48:52 PM
From: Julie

Created By: julie@evergladeslaw.org

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Tracking Status: None

Post Office: evergladeslaw.org

Files	Size	Date & Time
MESSAGE	1089	8/8/2014 5:48:52 PM
Final letter to FWS 8.8.14.pdf		155405

Options

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



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August 8, 2014

Mr. John Wrublik
US Fish and Wildlife Service
South Florida ES Field Office
1339 20th St.
Vero Beach, FL 32960
Email: John.Wrublik@fws.gov

Dear Mr. Wrublik,

I am writing to you on behalf of National Parks Conservation Association, (NPCA), Center for Biological Diversity, Tropical Audubon Society, Defenders of Wildlife and Biscayne Bay Waterkeeper regarding the threatened American Crocodiles in the cooling canals at Turkey Point, located immediately adjacent to Biscayne National Park. The recent death of a crocodile found in the cooling canal system at Turkey Point should be carefully scrutinized.

It has been brought to our attention that a dead crocodile was recently found in the cooling canal system intake at Turkey Point. As you are aware, American Crocodiles are a listed threatened species under the Endangered Species Act (ESA). The "take" of an endangered or threatened species is prohibited under Section 9 of the ESA unless the activity is covered by a valid incidental take permit under section 10 or an incidental take statement under section 7 of the Act. While we understand there was 2006 biological opinion prepared for certain operations, it appears the NRC has recently reinitiated consultation with the Service relative to the license amendment request that would revise the UHS water temperature limit from 100 degrees Fahrenheit (F) to 104F. Given the numerous issues of concern in regards to the cooling canal system at this time, including high salinity, high temperature, the presence of a severe algal bloom, and the chemicals being used to treat the algal bloom, we believe a prudent and responsible response involves performing a necropsy and identifying the cause of death of the crocodile.

NPCA first learned of the dead crocodile from U.S. Fish and Wildlife Service (USFWS) staff on Tuesday, July 29th and were told by Florida Power and Light (FPL) personnel that same day that the dead crocodile remained in FPL's possession. Both USFWS and FPL personnel told NPCA there are no plans to perform a necropsy on the cadaver in order to determine cause of death. In a call on Friday, August 1st, Florida Department of

Environmental Protection (FDEP) indicated to us that they had not been informed of a dead crocodile. However, FDEP also stated to us that mortalities within the canal system are required to be reported to them under an agreement related to approvals for the emergency responses to the algal bloom in the cooling canal system.

While water quality data from the last year related to the cooling canal system required under the 5th supplemental agreement has not been made publicly available (as that agreement requires), we nonetheless understand the water quality within the cooling canal system is compromised. In response to an algal bloom within the canal system, FPL has begun a program of chemical applications of copper sulfate, hydrogen peroxide (50%) and bio-stimulants to treat the algal bloom. The 50% hydrogen peroxide, which regulators told us may be applied through spray applications, is listed on its MSDS as “moderately toxic” to aquatic invertebrates, which are a food source for crocodiles. Also according to the MSDS, this concentration of hydrogen peroxide “causes eye and skin burns” and “may cause blindness” in humans. The copper sulfate MSDS indicates that “waters treated with this product may be hazardous to aquatic organisms.” The potential role the algal bloom, chemicals used to treat the algal bloom, impacts to the crocodiles’ food sources, high salinity level in the water or general poor water quality may have played in the death of this crocodile should be determined to identify if protective measures or changes in operation are needed to protect the crocodiles and other potentially impacted resources in the cooling canals and the surrounding Biscayne Bay and Biscayne National Park.

The temperature of the cooling canals came within one degree of a federally mandated shut down required at 100 degrees and FPL reported to the Miami Herald that temperatures have “approached or exceeded the 100-degrees limit. See Miami Herald, August 5, 2014. FPL has applied for a license amendment application to the Nuclear Regulatory Commission to increase the ultimate heat sink water temperature in the cooling canals to 104 degrees. The increasing temperatures in the cooling canal system may pose problems for the crocodiles that live there. “[C]rocodiles show signs of stress at temperatures above 100 degrees”. See http://www.lowryparkzoo.com/bio_florida_american_crocodile.php. Given the increases in temperature in the cooling canal system and pending approval to increase the heat sink limit to 104 degrees in the cooling canals that are the habitat for these crocodiles, we believe it is necessary to investigate whether the temperature of the water in the cooling canal system may have played any role in the death of the crocodile. This is critical given that the NRC is currently in consultation with the FWS regarding the LAR and has expressed concern that the temperature increase “may adversely affect” the crocodile. See Request for Additional Information from NRC to FPL July 18, 2014. If so, the agencies should immediately initiate formal consultation and determine whether the current operations will jeopardize the species and what additional steps may need to be taken.

The need for further investigation into the death of the crocodile demonstrates the need for more robust monitoring of impacts to wildlife within the cooling canal system and in the surrounding area. The cooling canal system covers a 6,100 acre area

immediately adjacent to Biscayne National Park. The geology and hydrogeology in Miami-Dade County is porous and there is extensive connectivity between ground and surface waters in the area. Connectivity between the cooling canals and groundwater has been established. The likelihood of connectivity between groundwater contaminated by the aquifer and surface waters in Biscayne Bay is high. Given the slue of water quality concerns ongoing within the canal system and risk of connectivity with the model lands to the west and the waters of Biscayne National Park, home to numerous endangered and threatened species, we ask the Service to increase its ecological monitoring program in the area surrounding the cooling canal system. Fish and Wildlife Service through enhanced monitoring should ensure the poor water quality conditions within the cooling canal system are not adversely impacting native wildlife and habitat outside of the system. Further, Biscayne Bay and Biscayne National Park are extensively used as a recreational area for residents and visitors of Miami-Dade County. Enhanced monitoring of potential impacts to wildlife and habitat will also be an important indicator of potential risks to recreational users.

Please feel free to contact me with any questions or to discuss this letter.

Yours truly,



Julie Dick, Esq.
Program Attorney

Julie Dick

Cc:

Audrey Klett, Nuclear Regulatory Commission
Terrie Bates, South Florida Water Management District
Scott Burns, South Florida Water Management District
Phil Coram, Florida Department of Environmental Protection
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Cindy Dohner, US Fish and Wildlife Service