REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

ACCESSION NBR:8103190576 DOC.DATE: 81/03/16 NOTARIZED: NO DOCKET #
FACIL:50-389 St. Lucie Plant, Unit 2, Florida Power & Light Co. 05000389
AUTH.NAME AUTHOR AFFILIATION
ALLEN,H.B. Commerce,Dept.of, National Marine Fisheries Service
RECIP.NAME RECIPIENT AFFILIATION
YOUNGBLOOD,B.J. Licensing Branch 1

SUBJECT: Forwards response to NRC 810212 request for info re threatened or endangered species on Hutchinson Island,FL.NRC is required to conduct biological assessment re listed species.W/excerpt from Endangered Species Act of 1973.

DISTRIBUTION CODE: C002S COPIES RECEIVED:LTR 1 ENCL 1 SIZE: 6
TITLE: Environ. Comments.

NOTES:

	RECIPIENT ID CODE/NAME		COPIES LTTR	COPIES ENCL	RECIPIENT ID CODE/NAME		COPIES LTTR	COPIES ENCL
ACTION:	YOUNGBLOOD,B	17	7	7	NERSES,V.	05	1	1
INTERNAL:	ACCIDNT EVAL BR		1	1	EF TREAT SYS BR		1	1
	ENV ENG BR	09	1	1	HYD/GEO BR		1	1
	HYDRO-GEO BR		1	1	I&E	07	2	2
	NRC PDR	02	1	1	~~OELD~~		1	0
	RAD ASSESSMT BR		1	1	REG FILE	01	1	1
	SIT ANAL BR	10	1	1	UTIL FINANCE BR		1	1
EXTERNAL:	ACRS		1	0	LPDR	03	1	1
	NATL LAB	20	5	5	NSIC	04	1	1

MAR 20 1981

TOTAL NUMBER OF COPIES REQUIRED: LTTR 29 ENCL 27

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Region
9450 Koger Boulevard
St. Petersburg, FL 33702

March 16, 1981 F/SER64:CDJ

Mr. B. J. Youngblood, Chief
Licensing Branch No. 1
Division of Licensing
Nuclear Regulatory Commission
Washington, DC 20555

50-389

Dear Mr. Youngblood:

This is in reply to your letter of February 12, 1981, which requested information about species which are listed or proposed to be listed as threatened or endangered as provided by the Endangered Species Act of 1973. Your area of interest is Hutchinson Island, St. Lucie County, Florida, in regard to an operating license for St. Lucie Plant Unit No. 2.

As provided in Section 7(c) of the Endangered Species Act Amendments of 1978 and 1979 (see enclosed copy), the National Marine Fisheries Service (NMFS) is required to furnish a list of endangered or threatened species, both proposed and listed, which are under NMFS jurisdiction, that may be or are present in the area involving Federal construction activities. That list is enclosed. All consultations under Section 7 involving sea turtle aquatic areas are the responsibility of NMFS, while such consultations involving sea turtle nesting beaches are the responsibility of the U. S. Fish and Wildlife Service (FWS). All Section 7 consultations involving the manatee, an endangered marine mammal, are the responsibility of FWS.

For purposes of providing interim guidance, the National Marine Fisheries Service considers "construction projects" to mean any major Federal action which significantly affects the quality of the human environment designed primarily to result in the building or erection of man-made structures such as dams, buildings, roads, pipelines, channels, and the like. This includes Federal actions such as permits, grants, licenses, or other forms of Federal authorization or approval which may result in construction.

Upon receipt of the National Marine Fisheries Service's species list, the Federal agency authorizing, funding, or carrying out the construction action is required to conduct a biological assessment for the purpose of identifying listed species and species proposed for listing which are likely to be affected by such action. The biological assessment shall be completed within 180 days after receipt of the species list, unless it is mutually agreed to extend this period.

C002
S 1/1

When conducting a biological assessment, the Federal agency should minimally:

(1) Conduct an on-site inspection of the area affected by the proposed activity or program. This may include a detailed survey of the area to determine if the species are present or are present at other times of the year, and whether suitable habitat exists for either expanding the existing population or potential reintroduction of populations;

(2) Interview recognized experts on the species at issue, including those within the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, State conservation departments, universities and others who may have data not yet found in scientific literature;

(3) Review literature and other scientific data to determine the species' distribution, habitat needs and other biological requirements;

(4) Review and analyze the effects of the proposed action on the species, in terms of individuals and populations, including consideration of the cumulative effects of the proposed action on the species and its habitat;

(5) Analyze alternative actions that may provide conservation measures.

At the conclusion of the biological assessment, as described above, the Federal agency should prepare a report documenting the results. The report should include a discussion of the study methods used and any problems encountered or any other relevant information.

If the biological assessment reveals that the proposed project may affect listed species, the formal consultation process shall be initiated by writing to the Regional Director, National Marine Fisheries Service, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702. If no effect is evident, there is no need for further consultation. We would, however, appreciate the opportunity to review your biological assessment.

We appreciate your invitation to visit the site on February 18; unfortunately, your letter was not received until that date. Thank you for the invitation.

Sincerely yours,

Harold B. Allen
Acting Regional Director

Enclosure

cc:
FWS, Atlanta, GA
FWS, Jacksonville, FL

March 1981

Endangered & Threatened Species and Critical Habitats Under NMFS Jurisdiction

Hutchinson Island, St. Lucie County, Florida

LISTED SPECIES

Green sea turtle	*Chelonia mydas*	Endangered
Loggerhead sea turtle	*Caretta caretta*	Threatened
Leatherback sea turtle	*Dermochelys coriacea*	Endangered
Kemp's (Atlantic) ridley sea turtle	*Lepidochelys kempi*	Endangered

SPECIES PROPOSED FOR LISTING

None

LISTED CRITICAL HABITAT

None

PROPOSED CRITICAL HABITAT

None

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

ENDANGERED SPECIES ACT OF 1973,
as amended in November 1978 and December 1979

INTERAGENCY COOPERATION

Section 7 (a) FEDERAL AGENCY ACTIONS AND CONSULTATIONS. - (1) The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act.

(2) Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section. In fulfilling the requirements of this paragraph each agency shall use the best scientific and commercial data available.

(3) Each Federal agency shall confer with the Secretary on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under section 4 or result in the destruction or adverse modification of critical habitat proposed to be designated for such species. This paragraph does not require a limitation on the commitment of resources as described in subsection (d).

(b) SECRETARY'S OPINION. - Consultation under subsection (a) (2) with respect to any agency action shall be concluded within 90 days after the date on which initiated or within such other period of time as is mutually agreeable to the Federal agency and the Secretary. Promptly after the conclusion of consultation, the Secretary shall provide to the Federal agency concerned a written statement setting forth the Secretary's opinion, and a summary of the information on which the opinion is based, detailing how the agency action affects the species or its critical habitat. The Secretary shall suggest those reasonable and prudent alternatives which he believes would not violate subsection (a) (2) and can be taken by the Federal agency or the permit or license applicant in implementing the agency action.

(c) BIOLOGICAL ASSESSMENT. - (1) To facilitate compliance with the requirements of subsection (a) (2), each Federal agency shall, with respect to any agency action of such agency for which no contract for construction has been entered into and for which no construction has begun on the date of enactment of the Endangered Species Act Amendments of 1978, request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action. If the Secretary advises, based on the best scientific and commercial data available, that such species may be present, such agency shall conduct a biological assessment for the purpose of identifying any endangered species or threatened species which is likely to be affected by such action. Such assessment shall

be completed within 180 days after the date on which initiated (or within such other period as is mutually agreed to by the Secretary and such agency) and, before any contract for construction is entered into and before construction is begun with respect to such action. Such assessment may be undertaken as part of a Federal agency's compliance with the requirements of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(d) LIMITATION ON COMMITMENT OF RESOURCES. - (1) After initiation of consultation required under subsection (a) (2), the Federal agency and the permit or license applicant shall not make any irreversible or irretrievable commitment of resources with respect to the agency action which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures which would avoid jeopardizing the continued existence of any endangered or threatened species or adversely modifying or destroying the critical habitat of any such species.

(2) Any person who may wish to apply for an exemption under subsection (g) of this section for that action may conduct a biological assessment to identify any endangered species or threatened species which is likely to be affected by such action. Any such biological assessment must, however, be conducted in cooperation with the Secretary and under the supervision of the appropriate Federal agency.

.....(q)