



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

May 2, 2018

MEMORANDUM TO: Benjamin Beasley, Chief  
Environmental Review and NEPA Branch  
Division of Materials and License Renewal  
Office of Nuclear Reactor Regulation

FROM: Briana Grange, Biologist **/RA/**  
Environmental Review and NEPA Branch  
Division of Materials and License Renewal  
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF MARCH 22, 2018, MEETING WITH THE  
NATIONAL MARINE FISHERIES SERVICE RELATED TO  
ST. LUCIE PLANT, UNITS 1 AND 2, ENDANGERED SPECIES  
ACT SECTION 7 CONSULTATION

On March 22, 2018, the U.S. Nuclear Regulatory Commission (NRC, the staff) participated in a meeting with the National Marine Fisheries Service (NMFS) pursuant to Section 7 of the Endangered Species Act of 1973, as amended (ESA) and related to the continued operations of St. Lucie Plant under license nos. DPR-67 (Unit 1) and NPF-16 (Unit 2). Discussion focused on the events that precipitated the NRC's February 9, 2018, request to reinstate formal ESA Section 7 consultation<sup>1</sup> and the additional information needed by the NMFS to support the reinstated consultation. Enclosure 1 is the meeting agenda.

Meeting participants included staff of the NMFS and NRC as well as representatives of Florida Power & Light Company (FPL). Enclosure 2 is a list of participants. Meeting participants were provided the opportunity to comment on the meeting summary below.

The major areas of discussion are summarized as follows:

### **I. Factors Necessitating Reinitiation of Consultation**

The NMFS, NRC, and FPL briefly reviewed the 2017 smalltooth sawfish (*Pristis pectinata*) and Kemp's ridley sea turtle (*Lepidochelys kempii*) captures, which have exceeded the incidental take limit established in the NMFS's biological opinion for St. Lucie<sup>2</sup> and necessitated the NRC's request to reinstate consultation.

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<sup>1</sup> U.S. Nuclear Regulatory Commission. Letter from B. Beasley, NRC, to D. Bernhart, NMFS. Subject: Request to reinstate Endangered Species Act Section 7 formal consultation for St. Lucie Plant, Units 1 and 2. February 9, 2018. Agencywide Documents Access and Management System (ADAMS) Accession No. [ML18029A143](#).

<sup>2</sup> National Marine Fisheries Service. Biological Opinion for Continued Operation of St. Lucie Nuclear Power Plants, Units 1 and 2 in St. Lucie County, Florida. March 24, 2016. ADAMS Accession No. [ML16084A616](#).

## II. Excluder Devices for St. Lucie Intake Pipe Velocity Caps

FPL indicated that it plans to finalize and send out its draft report, *Test Evaluation Report: Test Failure of Fixed Barrier Device for St. Lucie Nuclear Plant Intake Pipe Velocity Caps*, for agency review and comment by March 23, 2018.<sup>3</sup> FPL stated that the report will describe two options. One option is to develop a revised conceptual design for excluder devices. The second option is to not install excluder devices and to make other station changes that would minimize injury to incoming sea turtles. FPL will fully describe both options in the draft report and will support each option with data.

The NMFS explained that its role is to assess the action as proposed by the NRC. Therefore, the biological opinion only assesses one option. The NMFS reiterated that the primary goal of the excluder devices is to exclude mature female sea turtles of each species from entering the intake canal rather than minimizing injury. All parties agreed that FPL, NRC, NMFS, and the State of Florida should come to consensus on the best option for excluder devices in light of a previous test failure for an excluder device.

FPL explained that part of the goal of releasing a draft report for comment is to get input from NMFS, the NRC, and the State of Florida to help FPL formulate a clear recommendation concerning the excluder devices. Participants agreed that following agency review, a meeting will be held to discuss the draft report and the options proposed within the report. Subsequently, the NRC intends to submit a description of the proposed action to the NMFS to support the reinitiated consultation.

## III. Additional Smalltooth and Sea Turtle Data

The NMFS inquired about additional sea turtle data that could facilitate the reinitiated consultation. The NMFS requested of FPL any data or additional information it may have on smalltooth sawfish and Kemp's ridley sea turtles that could support the NMFS's analysis. FPL agreed to provide this information.

The NMFS asked FPL whether green turtle (*Chelonia mydas*) captures have increased in the winter months over the past several years. FPL indicated that January 2018 represented the highest number of green turtle captures at St. Lucie to date. The NMFS requested that FPL submit any additional data on the size, class, and sex of green turtles captured over the past 10 years and an assessment of any obvious trends in the data. FPL agreed to provide this information.

The NRC staff also indicated that it would be expanding its reinitiation request to include green turtles in its forthcoming responses to the NMFS's March 13, 2018, additional information requests, one of which pertained to green turtles.

## IV. Intake Canal Dredging Project

FPL indicated that a contractor will begin dredging the intake canal in late April or early May after the current outage period ends. FPL anticipates that the dredging project will occur over a six- to seven-month timeframe, which includes preparation activities and demobilization that will not entail in-water work. Dredging will take place from the intake

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<sup>3</sup> FPL submitted the draft report to the NRC, NMFS, and the State by e-mail dated March 23, 2018.

canal headwall to approximately 50 yards beyond the Florida State Road A1A bridge that extends over the intake canal.

## V. Action Items, Next Steps, and Deliverables

Participants agreed to the following next steps and deliverables.

FPL agreed to:

- Send the NRC, NMFS, and the State its draft *Test Evaluation Report: Test Failure of Fixed Barrier Device for St. Lucie Nuclear Plant Intake Pipe Velocity Caps* by March 23, 2018.<sup>4</sup>
- Work with Inwater Research Group, Inc. (Inwater) biologists to gather additional data on Kemp's ridley, green turtle, and smalltooth sawfish regional population trends and, if such data is available, provide it to the NMFS.
- Work with Inwater biologists to gather data on green turtle captures in the St. Lucie intake canal by size, class, and sex over the past 10 years; assess any obvious trends in the data; and provide the information to the NMFS.

The NRC staff agreed to:

- Send the NMFS responses to the NMFS's March 13, 2018, additional information requests by March 30, 2018.<sup>5</sup>
- Review and provide FPL with its comments on the draft Test Evaluation Report by April 24, 2018.
- Coordinate with the NMFS, FPL, and the State regarding planning of a meeting to discuss the draft Test Evaluation Report.
- Prepare a meeting summary.<sup>6</sup>

The NMFS agreed to:

- Review and provide FPL with its comments on the draft Test Evaluation Report by April 24, 2018.

In addition to these items, the NMFS and NRC agreed to meet in May 2018 to discuss the draft Test Evaluation Report and to discuss the options for excluding mature female sea turtles. The State of Florida and FPL will be invited to participate.

Following this meeting, the NRC agreed to submit draft and final descriptions of the proposed action to the NMFS that will describe the proposed method of excluding mature females from entering the St. Lucie intake canal. A timeline for these items will be determined following agency consensus.

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<sup>4</sup> As previously indicated, FPL submitted the draft report to the NRC, NMFS, and the State by e-mail dated March 23, 2018.

<sup>5</sup> The NRC sent the NMFS its responses by e-mail dated April 3, 2018 (ADAMS Accession No. [ML18093A076](#)).

<sup>6</sup> This summary fulfills this commitment.

The NMFS also stated that it is willing to share a draft of the revised incidental take statement, once prepared and pending approval by the NMFS's General Counsel, and to hold a teleconference or meeting to discuss the draft. The NRC and FPL mentioned that NMFS held a teleconference during the previous consultation, as described in Section 1.2 of the biological opinion, and the teleconference was a very helpful step in the consultation process.

Milestones associated with the reinitiated consultation will be determined once the NMFS determines that it has received all required information to support the consultation but will generally follow the 135-day timeline described in the ESA Section 7 regulations at 50 CFR 402.14.

Docket Nos.: 50-335 and 50-389

Enclosures:

1. Meeting Agenda
2. List of Participants

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**ADAMS Accession No. ML18093B552**

**\*Concurred via email**

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DATE	04/18/2018	04/20/2018	04/23/2018
OFFICE	DMLR:MENB:BC	DMLR:MENB:AQ	
NAME	BBeasley	BGrange	
DATE	5/01/18	5/02/18	

**OFFICIAL RECORD COPY**

Meeting between the National Marine Fisheries Service (NMFS) and U.S. Nuclear Regulatory Commission (NRC) regarding St. Lucie Plant, Units 1 and 2, Endangered Species Act (ESA) Section 7 Consultation

March 22, 2018; 10am – 12pm EDT

**Objectives**

- Review the NRC’s formal consultation reinitiation request
- Discuss the NMFS’s requests for additional information
- Determine follow-up actions and a timeline for deliverables resulting from meeting

Location	Teleconference Line
Port Everglades Energy Center 8100 Eisenhower Blvd. Fort Lauderdale, FL 33316	Call-in number: 800-593-9902 Passcode: 24515
Participants	
NRC: Briana Grange Michelle Moser Ben Beasley	NMFS: Audra Livergood FPL: Jodie Gless Kristin Eaton

**Agenda**

- I. Introductions (all)
- II. Purpose/goals of the meeting (NMFS, NRC)
- III. Review of factors necessitating reinitiation of consultation (NRC, FPL)
  - a. Smalltooth sawfish incidental takes
  - b. Kemp’s ridley incidental takes
- IV. Additional information needed to support reinitiated consultation (all)
  - a. Review of additional information needs (NMFS)
  - b. Green sea turtle causal mortalities (NRC, FPL)
  - c. Turtle excluder devices (FPL)
    - i. Status of final report on excluder device testing
    - ii. Possible alternatives to the excluder device
- V. Intake canal dredging project update (FPL)
- VI. Review action items, next steps, and deliverables (with due dates) (all)

Meeting between the National Marine Fisheries Service (NMFS) and U.S. Nuclear Regulatory Commission (NRC) regarding St. Lucie Plant, Units 1 and 2, Endangered Species Act (ESA) Section 7 Consultation

March 22, 2018

LIST OF PARTICIPANTS

<u>Participant</u>	<u>Affiliation</u>
Benjamin Beasley	NRC
Kristin Eaton	Florida Power & Light Company (FPL)
Jodie Gless	FPL
Briana Grange	NRC
Ed Hollowell*	FPL
Audra Livergood	NMFS
Michelle Moser	NRC
Richard Sciscente*	FPL
Mike Snyder*	FPL
Vince Munne*	FPL

\* Participation by teleconference