



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

August 15, 2019

Mr. Don Moul  
Vice President, Nuclear Division  
and Chief Nuclear Officer  
Florida Power & Light Company  
Mail Stop: NT3/JW  
15430 Endeavor Drive  
Jupiter, FL 33478

SUBJECT: TRANSMITTAL OF THE U.S. FISH AND WILDLIFE SERVICE'S JULY 25, 2019,  
BIOLOGICAL OPINION FOR TURKEY POINT NUCLEAR GENERATING UNIT  
NOS. 3 AND 4 LICENSE RENEWAL

Dear Mr. Moul:

The U.S. Nuclear Regulatory Commission (NRC) and the U.S. Fish and Wildlife Service (FWS) concluded formal consultation under Section 7 of the Endangered Species Act of 1973, as amended (ESA), on July 25, 2019. Upon concluding consultation, the FWS issued a biological opinion for Turkey Point Nuclear Generating Unit Nos. 3 and 4 (Turkey Point 3 and 4) license renewal.<sup>1</sup> The biological opinion is enclosed. The biological opinion considers the effects of continued operation of Turkey Point 3 and 4 on the American crocodile (*Crocodylus acutus*) and eastern indigo snake (*Drymarchon couperi*), among other species, through July 2052 (Unit 3) and April 2053 (Unit 4). This period includes the remainder of the current renewed facility operating license terms and the proposed subsequent license renewal periods. The biological opinion takes effect immediately and replaces the FWS's previous biological opinion for Turkey Point 3 and 4 dated May 5, 2006,<sup>2</sup> as modified by letter dated August 1, 2006.<sup>3</sup>

Pursuant to Section 7(a)(2) of the ESA, the NRC initiated communications with the FWS in March 2018 in anticipation of Florida Power & Light Company's (FPL) submittal of a subsequent license renewal application for Turkey Point 3 and 4. The NRC submitted a biological assessment to the FWS on December 19, 2018,<sup>4</sup> that concluded that the proposed subsequent

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<sup>1</sup> U.S. Fish and Wildlife Service. Letter from R. Hinzman, Field Supervisor, to B. Grange, NRC. Biological Opinion for Turkey Point Nuclear Plant Units 3 and 4 License Renewal. July 25, 2019. Agencywide Documents Access and Management System (ADAMS) Accession No. [ML19221B583](#).

<sup>2</sup> U.S. Fish and Wildlife Service. Letter from P. Souza, Acting Field Supervisor, to F. Gillespie, NRC. Biological Opinion for Renewal of Operating Licenses for the Nuclear-Powered Generating Units at the Turkey Point Power Plant. May 5, 2006. ADAMS Accession No. [ML061430174](#).

<sup>3</sup> U.S. Fish and Wildlife Service. Letter from P. Souza, Acting Field Supervisor, to F. Gillespie, NRC. Modification and Addition to the May 5, 2006, Biological Opinion for Renewal of Operating Licenses for the Nuclear-Powered Generating Units at the Turkey Point Power Plant. August 1, 2006. ADAMS Accession No. [ML062420111](#).

<sup>4</sup> U.S. Nuclear Regulatory Commission. Letter from B. Beasley, Branch Chief, to J. Rivera, Branch Chief, FWS. Request for Formal Consultation under the Endangered Species Act Regarding the Proposed Subsequent License Renewal of Turkey Point Nuclear Generating Unit Nos. 3 and 4. December 19, 2018. ADAMS Accession No. [ML18333A205](#).

license renewal of Turkey Point 3 and 4 is likely to adversely affect the American crocodile and eastern indigo snake and adversely modify designated critical habitat of the American crocodile. The NRC staff also made “may affect, but is not likely to adversely affect” or “no effect” findings pursuant to the ESA for 38 other species. Consultation between the NRC and the FWS continued until the FWS’s issuance of the enclosed biological opinion.

After reviewing and analyzing the current status of the listed species and critical habitat, the environmental baseline within the action area, the effects of the proposed action, and cumulative effects, the FWS concluded in the biological opinion that the continued operation of Turkey Point 3 and 4 through the duration of the proposed subsequent license renewal period

...is not likely to jeopardize the continued existence of the crocodile or indigo snake, and it will not adversely modify the critical habitat of the crocodile.

The FWS concurred with the NRC staff’s “may affect, but is not likely to adversely affect” and “no effect” findings for the remaining 38 species.

The biological opinion includes an Incidental Take Statement that applies to the American crocodile and eastern indigo snake during operation of Turkey Point 3 and 4 through the duration of the proposed subsequent license renewal periods. The Incidental Take Statement exempts the incidental take of individuals that may occur from

- harm from habitat loss (American crocodile),
- injuries or mortalities from vehicle collisions and/or plant operation (American crocodile), and
- mortality from vegetation maintenance (eastern indigo snake).

The biological opinion specifies allowable numbers for such incidental take to be

- one American crocodile causal mortality per calendar year and
- one indigo snake causal mortality every two calendar years.

The biological opinion also includes the following Reasonable and Prudent Measure that the FWS determined to be necessary and appropriate to reduce take and to minimize the direct and indirect effects of the proposed project on the American crocodile and indigo snake:

Minimize the adverse effects of the ongoing operation of the Turkey Point Power facility by implementing measures to increase employee awareness of the presence of the crocodile and indigo snake on the site.

Five Terms and Conditions implement the Reasonable and Prudent Measure. The Terms and Conditions are nondiscretionary and must be undertaken by the NRC so that they become binding conditions of the subsequent renewed licenses, if granted, for the exemption in Section 7(o)(2) of the ESA to apply. If the NRC fails to assume and implement the Terms and Conditions or fails to require FPL to adhere to the Terms and Conditions through enforceable terms that are added to the subsequent renewed facility operating licenses, if granted, the protective coverage of Section 7(o)(2) of the ESA may lapse. Accordingly, the NRC intends to include conditions in the subsequent renewed facility operating licenses, if issued, requiring FPL to adhere to the specific requirements within the Incidental Take Statement in the biological

opinion. The NRC staff will provide FPL an opportunity to preview these conditions prior to the NRC's subsequent license renewal decision.

Should you need to discuss the information in this letter or any other matters related to ESA Section 7 consultation for Turkey Point 3 and 4, please contact Ms. Briana Grange, Conservation Biologist, of my staff at 301-415-1042 or at [briana.grange@nrc.gov](mailto:briana.grange@nrc.gov).

Sincerely,

***/RA William Ford for Benjamin Beasley/***

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

Docket Nos. 50-250 and 50-251

Enclosure:  
Biological Opinion

cc: Listserv

SUBJECT: TRANSMITTAL OF THE U.S. FISH AND WILDLIFE SERVICE'S JULY 25, 2019,  
BIOLOGICAL OPINION FOR TURKEY POINT NUCLEAR GENERATING UNIT  
NOS. 3 AND 4 LICENSE RENEWAL DATED AUGUST 15, 2019

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