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Subject: Request to Reinitiate Endangered Species Act Section 7 Consultation for Continued Operation of Turkey Point Nuclear Generating Units Nos. 3 and 4
Date: Thursday, November 18, 2021 10:42:00 AM



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

Dear Mr. Rivera:

With this email, the U.S. Nuclear Regulatory Commission (NRC) requests to reinitiate consultation with the U.S. Fish and Wildlife Service (FWS) under the provisions of Section 7 of the Endangered Species Act of 1973, as amended (ESA), related to Turkey Point Nuclear Generating Units Nos. 3 and 4 (Turkey Point) in Homestead, Florida. This email includes information explaining and supporting this request.

Background

On July 25, 2019, the FWS issued a biological opinion concerning operation of Turkey Point during the subsequent license renewal period.⁽¹⁾ The opinion considers vehicular collisions to be a main source of human-induced mortality for American crocodiles (*Crocodylus acutus*) resulting from Turkey Point operations. The opinion's incidental take statement exempts from the provisions of Section 9 of the ESA one crocodile causal mortality per calendar year. The circumstances below prompted the NRC's current request to reinitiate consultation with the FWS.

On January 25, 2021, Florida Power and Light Company (FPL) personnel found a dead American crocodile in the Owner Controlled Area on the road just south of the Mangrove Road gate. The animal was dead upon arrival, and it appeared to have been struck by a vehicle. This was the first causal mortality of the 2021 calendar year at Turkey Point, and FPL reported the incident to the FWS and NRC in accordance with the terms and conditions of the biological opinion.

On April 21, 2021, an FPL employee struck an American crocodile while driving on Palm Drive shortly after 12:00am. The crocodile was approximately 13 feet in length. Based on a photograph taken after the incident, FPL believes that the crocodile sustained injuries at the base of its tail. The crocodile retreated to the L-31 canal by the time the FPL biologist arrived on the scene. FPL notified relevant Federal and State agencies of the incident, including the NRC, FWS, and the Florida Fish & Wildlife Conservation Commission (FWC). In an April 28, 2021, virtual meeting⁽¹⁾ among the NRC, FWS, and FPL, FPL described the event and reviewed photographs of the injured crocodile.

In a May 3, 2021, virtual meeting⁽²⁾ among the NRC, FWS, and FPL, the FWS determined that because the crocodile was struck on what looked to be the base of the tail, the incident was unlikely to result in mortality and, therefore, the incident did not count against the incidental take limit set forth in the FWS's biological opinion. Accordingly, the FWS

concluded that no further action needed to be taken concerning this event.

On May 4, 2021, FPL reported the discovery of a dead-on-arrival crocodile floating in the L-31 canal.⁽³⁾ An FWC crocodile response agent subsequently examined the body and determined that scute clips of the animal matched the photographs of the crocodile hit on April 21, 2021, and that the two incidents likely involved the same animal. The FWC subsequently shared this opinion with the FWS.

In a September 29, 2021, virtual meeting⁽⁴⁾ among the NRC, FWS, FWC, University of Florida Institute of Food and Agricultural Sciences, and FPL, the FWS shared the above information. The FWS stated that following its own internal discussion, it agreed with the FWC's assessment that the crocodile found dead in the L-31 canal was likely the same animal that was hit on April 21, 2021, and that, therefore, the collision likely caused or contributed to that animal's subsequent death. Assuming such causality, FPL had exceeded the incidental take limit set forth in the biological opinion. As a result, the FWS recommended that the NRC request to reinitiate formal consultation.

Proposed Action

The proposed action for the requested reinitiated consultation is the continued operation of Turkey Point under its existing NRC licenses. The proposed action is described in detail on pages 4 through 14 of the FWS's biological opinion in the section titled, "Description of Proposed Action."

Effects of the Proposed Action

In Section 5.1, "American Crocodile" of its December 2018 biological assessment,⁽⁵⁾ the NRC staff found that the continued operation of Turkey Point may affect and is likely to adversely affect the American crocodile. The staff made this conclusion primarily because of the risk of crocodile injury or mortality from vehicular collisions during the license renewal term. In its biological opinion, the FWS concurred with the NRC's effect determination. However, the FWS found that the adverse impacts of the proposed action are not likely to jeopardize the continued existence of the species.

The NRC staff's conclusion remains the same for the current reinitiated consultation: the staff finds that the continued operation of Turkey Point *may affect and is likely to adversely affect* the American crocodile.

Request for Reinitiated Consultation

With this email, the NRC requests to reinitiate ESA Section 7 consultation with the FWS related to the continued operation of Turkey Point under its existing NRC licenses. This request is made in accordance with 50 CFR 402.16(a)(1), which directs Federal agencies to request reinitiated consultation if the amount or extent of taking specified in the incidental take statement is exceeded. In speaking with Ms. Lindsay Nester of your staff, I understand that the FWS has the necessary data and other information to support this request.

The FWS stated during the September 29, 2021, virtual meeting that it may consider as part of the reinitiated consultation the following:

- Reviewing the environmental baseline to ensure that the baseline captures the current status of the American crocodile population, particularly for hatchlings, which have increased in abundance in recent years.
- Reviewing the action area to ensure that the boundaries appropriately capture the

action of the continued operation of Turkey Point.

- Updating the FWS and FWC contact information listed in the “Monitoring and Reporting Requirements” section of the biological opinion.
- Revising allowable takes of crocodiles in the incidental take statement.

As part of the reinitiated consultation, the NRC also requests to review a draft of the biological opinion in accordance with 50 CFR 402.14(g)(5).

I look forward to working with you on this reinitiated consultation. Please reach out to me by phone or email with any questions.

Thank you,

Briana

Briana S. Arlene

Conservation Biologist & ESA Consultation Coordinator

Division of Rulemaking, Environmental, and Financial Support

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U.S. Nuclear Regulatory Commission

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References:

1. U.S. Fish and Wildlife Service. Biological Opinion for Turkey Point Nuclear Plant Units 3 and 4 License Renewal. July 25, 2019. ADAMS Accession No. [ML19221B583](#).
2. U.S. Nuclear Regulatory Commission. Summary of May 3, 2021, Teleconference with the U.S. Fish and Wildlife Service and Florida Power & Light Company Regarding Injured American Crocodile at Turkey Point Nuclear Generating Unit Nos. 3 and 4. June 7, 2021. Agencywide Documents Access and Management System (ADAMS) Accession No. [ML21158A057](#).
3. Florida Power and Light Company. Email from M. Lloret, Wildlife Biologist/Crocodile Specialist, FPL, to NRC. Subject: DOA American crocodile. May 4, 2021. ADAMS Accession No. [ML21131A136](#).
4. U.S. Nuclear Regulatory Commission. Summary of September 29, 2021, Meeting with the U.S. Fish and Wildlife Service Regarding Crocodile Monitoring at Turkey Point Nuclear Generating Units 3 and 4. October 13, 2021. ADAMS Accession No. [ML21285A041](#).
5. U.S. Nuclear Regulatory Commission. Biological Assessment for the Turkey Point Nuclear Generating Unit Nos. 3 and 4 Proposed Subsequent License Renewal. December 2018. 94 pp. ADAMS Accession No. [ML18353A835](#).

Docket Nos.: 50-250 and 50-251

ADAMS Accession No.: ML21307A288

CONCURRENCE				
OFFICE	PM:/LPL2-2:DORL:NRR	BC:ELRB:REFS:NMSS	OGC(NLO)	CB:ELRB:REFS:NMSS

NAME	EBrown	RElliott	JAzeizat	BArlene
DATE	10/13/2021	11/18/2021	11/03/2021	11/18/2021
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