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SERIAL: BSEP 99-0114

U. S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

BRUNSWICK STEAM ELECTRIC PLANT, UNIT NOS. 1 AND 2  
DOCKET NOS. 50-325 AND 50-324/LICENSE NOS. DPR-71 AND DPR-62  
SUPPLEMENT TO BIOLOGICAL ASSESSMENT OF IMPACT TO SEA TURTLES AT  
CAROLINA POWER & LIGHT COMPANY'S BRUNSWICK STEAM ELECTRIC PLANT

Gentlemen:

On September 14, 1999, a meeting was held at the Brunswick Steam Electric Plant, with the NRC, National Marine Fisheries Service (NMFS), the North Carolina Sea Turtle Coordinator, and CP&L to discuss the operation of the intake canal. In Enclosure 1, in accordance with your request, CP&L is supplementing the biological assessment provided by CP&L's letter dated January 26, 1998, to provide updated data for 1998 and 1999. For purposes of clarity, the table includes data from 1994 to the present. Also included are other comments noting significant differences between the draft biological opinion provided to CP&L during the consultation process and the information reflected in the April 30, 1999, NMFS biological opinion. Enclosure 2 provides pictures of the intake canal at the diversion structure during high tide conditions when dead sea turtles (i.e., whose death was not caused by canal operations) have washed into the canal.

Please refer any questions regarding this submittal to Mr. Warren J. Dorman, Supervisor - Licensing, at (910) 457-2068.

Sincerely,

A handwritten signature in cursive script, reading "Keith R. Jury". The signature is written in dark ink and is positioned above the printed name.

Keith R. Jury  
Manager - Regulatory Affairs  
Brunswick Steam Electric Plant

# ENCLOSURE 1

## BRUNSWICK STEAM ELECTRIC PLANT, UNIT NOS. 1 AND 2 DOCKET NOS. 50-325 AND 50-324 LICENSE NOS. DPR-71 AND DPR-62 SUPPLEMENT TO BIOLOGICAL ASSESSMENT OF IMPACT TO SEA TURTLES AT CAROLINA POWER & LIGHT COMPANY'S BRUNSWICK STEAM ELECTRIC PLANT

### Supplemental Data And Comments

#### Update of Sea Turtle Incidental Take Data

The following table summarizes data related to turtle species, for the period from January 1, 1994, through September 22, 1999. The table updates the data provided in the January 26, 1998, biological assessment and the relationship of such data to biennial take numbers included in the April 30, 1999, National Marine Fisheries Service (NMFS) biological opinion.

History of Limiting Turtle Species Takes						
	1994	1995	1996	1997	1998	1999 (To 9/22/99)
Biological Opinion/Incidental Take Statement Biennial Take Level Met or Exceeded  (Species and Applicable Take t = # total, d = # dead)	Yes (Greens 8t)		Yes (Kemp 3d/10t)		Yes* (Kemp 2d)	
		Yes (Greens 2d/10t, Loggerhead 56t)	Yes (Kemp 3d/10t)	Yes* (Kemp 2d)		
Species (Biennial Level)	1994	1995	1996	1997	1998	1999 (To 9/22/99)
Greens (Dead 2)	0	1	1	0	0	0
Greens (Total 5)	1	7	3	0	2	0
Kemp (Dead 2)	0	0	0	3	0	2
Kemp (Total 8)	0	1	4	6	4	3
Leatherback/Hawksbill (Total 1)	0	0	0	0	0	0
Loggerhead (Dead 6)	0	2	2	1	1	2
Loggerhead (Total 50)	4	14	42	7	7	7

\* Biennial level already reached for dead Kemp's ridley turtles.

The incidental take numbers in the table above include both causal takes (i.e., takes attributable to intake canal operations) and non-causal takes (i.e., takes that are not a result of intake canal operations). During high tide conditions, live sea turtles have been able to enter the intake canal over the marshes adjacent to the diversion structure and dead sea turtles (i.e., whose death was not caused by intake canal operations) have washed over the marshes adjacent to the diversion structure and into the intake canal. Enclosure 2 provides pictures of the intake canal at the diversion structure during high tide conditions. In addition, some sea turtles, both live and dead, enter the intake canal through diversion screen blowouts. Non-causal determinations are made by CP&L and the North Carolina Sea Turtle Coordinator based on the condition of the turtle (e.g., severely decayed, wound conditions, etc.) and the location where the turtle has been found. CP&L believes the Incidental Take Statement and the biological opinion should reflect a categorization for non-causal takes. However, the subcategorization for non-causal takes should not reduce the take numbers in the Incidental Take Statement and the biological opinion. In fact, as demonstrated by the information in the table above, the overall number of takes should be increased.

Comment 1:

Section VIII, "Incidental Take Statement," Item 6 in the April 30, 1999, biological opinion states:

If any listed species are apparently injured or killed in the intake canal, or the diversion structure or the trash racks, a report, summarizing the incident, must be provided within 14 days to the NMFS Southeast Regional Office's Chief of Protected Resources.

CP&L's comments regarding the draft biological opinion, submitted by letter dated February 10, 1999 (Serial No. BSEP 99-0023), discussed CP&L's concerns regarding the need for prompt involvement of NMFS for turtle takes within the incidental take limits. While Section VIII, Item 6 of the April 30, 1999, biological opinion has been changed from notification "by the following business day" to "within 14 days," the stipulation still does not fully address CP&L's prior comment. Specifically, as a condition of the Endangered Species Permit issued to CP&L by the State of North Carolina, CP&L is required to contact the North Carolina Wildlife Resources Commission's Sea Turtle Stranding Coordinator, or Coastal Nongame Project Leader, within 24 hours of each stranding event. Also, CP&L is required to provide a Sea Turtle Stranding and Salvage Network Stranding Report to the North Carolina Wildlife Resources Commission. A copy of this report is forwarded by the North Carolina Wildlife Resources Commission to the Miami laboratory of NMFS. CP&L reiterates its position that this notification process is adequate and that an additional report to the NMFS Southeast Regional Office is unnecessary. CP&L requests that this stipulation be removed from the biological opinion.

Comment 2:

In the April 30, 1999, biological opinion, Section VIII, "Incidental Take Statement," Item 7 stipulates a new annual report consisting of the records of all sea turtle takings, recorded by species, size, and time of the year taken. This stipulation was not included in the Section VII of the February 10, 1999, draft biological opinion. As noted in Comment 1 above, CP&L believes the individual reports of incidental takes should be sufficient and that an annual report of

incidental take information is duplicative and unnecessary. CP&L requests that this stipulation be removed from the biological opinion.

Comment 3:

In the April 30, 1999, biological opinion, Section IX, "Conservation Recommendations" includes a new conservation recommendation not included in the Section VIII of the February 10, 1999, draft biological opinion. The new recommendation states that "BSEP should conduct tissue sampling for the genetic identity of turtles interacting with the plant's cooling water intake system." We believe this requirement is an unwarranted request and request its deletion from the biological opinion.

ENCLOSURE 2

BRUNSWICK STEAM ELECTRIC PLANT, UNIT NOS. 1 AND 2

DOCKET NOS. 50-325 AND 50-324

LICENSE NOS. DPR-71 AND DPR-62

SUPPLEMENT TO BIOLOGICAL ASSESSMENT OF IMPACT TO SEA TURTLES AT  
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Intake Canal Pictures  
(Four Pictures of Intake Canal  
at the Diversion Structure)









