



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

April 7, 2016

Mr. Chris Costanzo
Site Vice President
St. Lucie Plant
6501 South Ocean Dr.
Jensen Beach, FL 34957

SUBJECT: TRANSMITTAL OF NATIONAL MARINE FISHERIES SERVICE'S
MARCH 24, 2016, FINAL BIOLOGICAL OPINION FOR ST. LUCIE PLANT,
UNITS 1 AND 2

Dear Mr. Costanzo:

The U.S. Nuclear Regulatory Commission (NRC) and the National Marine Fisheries Service (NMFS) concluded formal consultation under section 7 of the Endangered Species Act of 1973, as amended (ESA) on March 24, 2016, with NMFS's issuance of a final biological opinion for St. Lucie Plant, Units 1 and 2 (St. Lucie). NMFS's transmittal letter and the biological opinion are enclosed. The biological opinion considers the effects of continued operation of St. Lucie under the terms of Renewed Facility Operating Licenses DPR-67 and NPF-16 on smalltooth sawfish (*Pristis pectinata*) and five species of sea turtles (*Caretta caretta*, *Chelonia mydas*, *Dermochelys coriacea*, *Eretmochelys imbricata*, and *Lepidochelys kempii*). This letter follows the NMFS's transmittal of an electronic copy of the biological opinion to NRC and Florida Power & Light Company (FPL) on March 24, 2016.

Pursuant to ESA section 7, the NRC requested reinitiation of formal consultation with NMFS in a letter dated July 8, 2005, following FPL's capture of a smalltooth sawfish in the St. Lucie intake canal on May 16, 2005. In 2006, FPL exceeded the annual incidental take limit for green and loggerhead turtles set forth in NMFS's 2001 biological opinion. Accordingly, on April 4, 2007, the NRC requested that NMFS consider sea turtles as part of the ongoing consultation and that at the completion of consultation, NMFS issue one comprehensive biological opinion that addresses all species under its jurisdiction. Consultation between NRC and NMFS continued until NMFS's issuance of the enclosed biological opinion.

After reviewing the status of the species, the environmental baseline, the effects of the proposed action, interdependent and interrelated actions and cumulative effects, NMFS concludes in its biological opinion that the continued operation of St. Lucie through the duration of the renewed operating licenses

...is not likely to jeopardize the continued existence of green sea turtle, hawksbill sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, NWA¹ DPS² of loggerhead sea turtle, or U.S. DPS of smalltooth sawfish or to destroy or adversely modify the designated critical habitat of the loggerhead NWA DPS.

¹ Northwest Atlantic Ocean

² distinct population segment

The biological opinion includes an Incidental Take Statement (ITS) that applies to smalltooth sawfish and sea turtles captured during operation of St. Lucie for the remainder of the renewed license terms (i.e., through March 1, 2036 (Unit 1) and April 6, 2043 (Unit 2)). The ITS exempts the incidental take of smalltooth sawfish and sea turtles entrained into the intake pipes and entrapped into the intake canal and specifies allowable numbers for such takes on an annual basis. The biological opinion also includes Reasonable and Prudent Measures (RPMs) that NMFS has determined to be necessary or appropriate to minimize the amount or extent of incidental take and associated Terms and Conditions (T&Cs), which are non-discretionary and implement the RPMs.

Section 4.2 of the Environmental Protection Plan (EPP) contained in Appendix B of the St. Lucie renewed licenses requires FPL to adhere to the specific requirements within the ITS associated with NMFS's previous biological opinion, which was issued on May 4, 2001, and further clarified in a letter dated October 8, 2001. If FPL similarly wishes to take advantage of the protective coverage of section 7(o)(2) that compliance with the ITS contained in the enclosed March 24, 2016, biological opinion affords, the NRC requests that FPL propose appropriate changes to the EPP within 90 days of receipt of this letter. These proposed changes should reference the ITS included in the enclosed biological opinion and provide that the RPMs and T&Cs, as detailed in the ITS, will be implemented.

Finally, I would also like to highlight the NMFS's conservation recommendations, which are included in Section 9 of the biological opinion. As part of formal section 7 consultation, NMFS may recommend discretionary measures to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information. The biological opinion includes three conservation recommendations, which the NRC recommends FPL review and consider implementing in ongoing or future aquatic monitoring studies and in future revisions of plant maintenance procedures.

If you have any questions regarding this letter, please contact Ms. Briana Grange, Biologist, of my staff at 301-415-1042 or by e-mail at briana.grange@nrc.gov or Mr. Perry Buckberg, Project Manager, at 301-415-1383 or by e-mail at perry.buckberg@nrc.gov.

Sincerely,

/RA/

James G. Danna, Chief
Environmental Review and Projects Branch
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket Nos. 50-335 and 50-389

Enclosure:
Biological Opinion

The biological opinion includes an Incidental Take Statement (ITS) that applies to smalltooth sawfish and sea turtles captured during operation of St. Lucie for the remainder of the renewed license terms (i.e., through March 1, 2036 (Unit 1) and April 6, 2043 (Unit 2)). The ITS exempts the incidental take of smalltooth sawfish and sea turtles entrained into the intake pipes and entrapped into the intake canal and specifies allowable numbers for such takes on an annual basis. The biological opinion also includes Reasonable and Prudent Measures (RPMs) that NMFS has determined to be necessary or appropriate to minimize the amount or extent of incidental take and associated Terms and Conditions (T&Cs), which are non-discretionary and implement the RPMs.

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James G. Danna, Chief
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Enclosure:
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DISTRIBUTION: See next page

ADAMS Accession Nos.: ML16084A692 (package), ML16084A688 (letter), ML16084A616 (enclosure)

*concurrence via e-mail

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DATE	3/29/16	3/29/16	3/30/16	3/30/16	4/4/16	4/6/16	4/7/16

OFFICIAL RECORD COPY

Letter to C. Costanzo from J. Danna dated April 7, 2016

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UNITS 1 AND 2

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