

**From:** [Rivera, Jose](#)  
**To:** [Grange, Briana](#)  
**Cc:** [Nester, Lindsay](#)  
**Subject:** [External\_Sender] Re: [EXTERNAL] FW: Question re: Manatee Critical Habitat Conclusion in Turkey Point BiOp  
**Date:** Friday, August 16, 2019 6:51:07 AM

---

Good morning Briana. Your statement is correct. Please contact me if you have any questions or concerns, or if you need anything from the Service. Thank you.

José J. Rivera

Supervisory Fish and Wildlife Biologist

U.S. Fish and Wildlife Service

1339 20th Street

Vero Beach, Florida 32960

office: 772-469-4319

mobile: 772-299-8013

fax: 772-562-4288

email: [Jose.Rivera@fws.gov](mailto:Jose.Rivera@fws.gov)

NOTE: All email correspondence and attachments  
received from or sent to me are subject to the  
Freedom of Information Act (FOIA) and may be  
disclosed to third parties

On Thu, Aug 15, 2019 at 5:54 PM Grange, Briana <[Briana.Grange@nrc.gov](mailto:Briana.Grange@nrc.gov)> wrote:

Jose,

Would you be able to answer the question below in Lindsay's absence? I received an away message from her indicating that she will be out until next week. Thanks!

Briana

---

**Briana A. Grange**  
Conservation Biologist

Division of Materials and License Renewal  
Office of Nuclear Reactor Regulation

U.S. Nuclear Regulatory Commission  
(301) 415-1042  
[briana.grange@nrc.gov](mailto:briana.grange@nrc.gov)

---

**From:** Grange, Briana  
**Sent:** Thursday, August 15, 2019 5:52 PM  
**To:** Nester, Lindsay <[lindsay\\_nester@fws.gov](mailto:lindsay_nester@fws.gov)>  
**Subject:** Question re: Manatee Critical Habitat Conclusion in Turkey Point BiOp

Lindsay,

I have a quick and hopefully simple question for you related to the FWS's conclusion for West Indian manatee critical habitat in the Turkey Point biological opinion. On p. 20 of the opinion, you state:

“The NRC staff finds that, given this information, continued operation of Turkey Point Units 3 and 4 will not appreciably diminish the ecological value of designated critical habitat within Biscayne Bay for the manatee. The Service concurs with this based on the following...

Based on the above information, the NRC staff finds that the proposed action may affect, but is not likely to adversely affect West Indian manatee's designated critical habitat.”

However, the NRC's finding with respect to manatee critical habitat was the following (see p. 61 of the biological assessment):

“...the proposed action is not likely to adversely modify designated critical habitat for the West Indian manatee.”

This appears to simply be a small error in transferring the NRC's conclusion to the biological opinion.

I am preparing various internal briefing materials related to the biological opinion, and I would like to make the following statement:

*The FWS concurs with the NRC's conclusion that the proposed action is not likely to adversely modify designated critical habitat of the West Indian manatee.*

Would the above statement be correct?

Thanks!

Briana

---

**Briana A. Grange**  
Conservation Biologist

Division of Materials and License Renewal  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
(301) 415-1042  
[briana.grange@nrc.gov](mailto:briana.grange@nrc.gov)

---

**From:** Turk, Sherwin  
**Sent:** Thursday, August 15, 2019 4:50 PM  
**To:** Grange, Briana <[Briana.Grange@nrc.gov](mailto:Briana.Grange@nrc.gov)>; Beasley, Benjamin <[Benjamin.Beasley@nrc.gov](mailto:Benjamin.Beasley@nrc.gov)>  
**Cc:** Burton, William <[William.Burton@nrc.gov](mailto:William.Burton@nrc.gov)>; Houseman, Esther <[Esther.Houseman@nrc.gov](mailto:Esther.Houseman@nrc.gov)>; Wachutka, Jeremy <[Jeremy.Wachutka@nrc.gov](mailto:Jeremy.Wachutka@nrc.gov)>  
**Subject:** FWS Biological Opinion

I'm a bit confused by the B.O. What did FWS say about the critical habitat for the West Indian manatee? Ben omitted this in his letter transmitting the B.O. to FPL. The B.O. seems to blur our critical habitat finding with our species impact finding.

Insights? Should I just omit it from my letter to the Board?

*Sherwin E. Turk*

*Special Counsel for Litigation*

*Office of the General Counsel*

*U.S. Nuclear Regulatory Commission*

*Mail Stop O14-A44*

*Washington, D.C. 20555*

[Sherwin.Turk@nrc.gov](mailto:Sherwin.Turk@nrc.gov)

*(301) 287-9194*