



Department of Energy
Washington, DC 20585

July 17, 2014

Mr. Mark Murray-Brown
Section 7 Coordinator
Protected Resources Division
NOAA National Marine Fisheries Service
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930

**SUBJECT: Champlain Hudson Power Express Endangered Species Act (ESA) Section 7
Consultation**

Dear Mr. Murray-Brown:

In accordance with Section 7 of the Endangered Species Act, DOE is requesting concurrence from National Marine Fisheries Service that the proposed Champlain Hudson Power Express (CHPE) Project is not likely to adversely affect shortnose sturgeon (*Acipenser brevirostrum*) and Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*).

The DOE has prepared the enclosed Biological Assessment (BA) in support of the National Environmental Policy Act (NEPA) review of potential environmental impacts related to the proposed CHPE Project. The BA has been prepared in accordance with the legal requirements set forth under regulations implementing Section 7 of the Federal Endangered Species Act (50 CFR 402; 16 U.S.C. 1536(c)).

The description of the proposed CHPE Project in Section 2 of the BA includes measures and best management practices that will help to avoid impacts on shortnose and Atlantic sturgeon (Section 2.6.1). Additionally, Table 2-2 provides the construction work schedule which was coordinated with NMFS. These established work windows and time of year restrictions were developed in part to avoid impacts on overwintering, spawning migrations, spawning activity, and larval stages of ESA-listed fish species. Section 5 of the BA provides a comprehensive analysis of impacts. In this section DOE concludes **that any effects on the shortnose sturgeon and Atlantic sturgeon would be insignificant or discountable.**

Please feel free to contact me directly at any time at Brian.Mills@hq.DOE.gov, or by phone at (202) 586-8267.

Very truly yours,

A handwritten signature in blue ink that reads "Brian Mills".

Mr. Brian Mills
National Electricity Delivery Division, OE-20
Office of Electricity Delivery and
Energy Reliability
U.S. Department of Energy

Attch: Enclosure 1