



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

ORIGINAL

FEDERAL ENERGY
REGULATORY COMMISSION

MAY 18 P 3 55

FILED
SECRETARY OF THE
COMMISSION

MAY 08 2018

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, D.C. 20426

Re: Endangered Species Act Section 7 Consultation for the Conowingo Hydroelectric Project (FERC No. 405)

Dear Secretary Bose:

We have completed our consultation under section 7 of the Endangered Species Act (ESA) in response to your letter received April 6, 2018, regarding the above-referenced project. The proposed action under consideration is the Federal Energy Regulatory Commission's (FERC) issuance of a new license for the Conowingo Hydroelectric Project (FERC No. 405). We reviewed your consultation request document and related materials. Based on our knowledge, expertise, and your materials, we concur with your conclusion that the proposed action is not likely to adversely affect any NMFS ESA-listed species. Therefore, no further consultation pursuant to section 7 of the ESA is required. There is no designated critical habitat in the action area.

In concurring with your determination, we agree that operation of the Conowingo Hydroelectric Project is not likely to adversely affect listed shortnose sturgeon or Atlantic sturgeon in the Susquehanna River. Therefore, no take of either species is anticipated or exempted. Since no take of sturgeon is anticipated or exempted, we recommend that the Licensee (Exelon) revise their proposed Shortnose Sturgeon and Atlantic Sturgeon Handling Plan for the Conowingo Project to remove any collection of biological data or application of any new marks (including PIT tags) on sturgeon in the river. Data collected by Exelon should be limited to the following: 1) date, time, location, and operational conditions during capture; 2) species (shortnose or Atlantic); 3) condition; 4) presence of pre-existing external or internal (e.g., PIT) tags; and 5) photographs of the specimen. Based on the description in the BA, it is our understanding that the West and East Fish Lift will each be staffed full-time with three individuals during the passage season and that all fish will be manually sorted. Therefore, we believe it is reasonable to expect that if a sturgeon was present in one of the fishlifts, it would be observed.

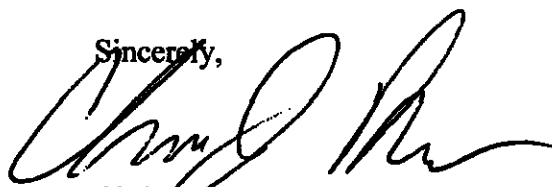
In the extremely unlikely event that a sturgeon is captured or collected at the Conowingo Project, Exelon should immediately contact NMFS (Lynn Lankshear at 978-281-9328) and Maryland Department of Natural Resources (Chuck Stence at 410-643-6788) to see if a researcher with an appropriate scientific research permit issued pursuant to section 10 of the ESA is available to process the specimen. If no research permittees respond to your inquiry or they are not available



to process the specimen, then Exelon should release the fish back to the river below the project as soon as possible after recording the information noted above.

Reinitiation of consultation is required and shall be requested by the Federal agency or by us, where discretionary Federal involvement or control over the action has been retained or is authorized by law and: (a) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered in the consultation; (b) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation; or (c) If a new species is listed or critical habitat designated that may be affected by the identified action. If there is any incidental take of a listed species, reinitiation would be required. Should you have any questions about this correspondence please contact Jeff Murphy at (207) 866-7379 or by email at Jeff.Murphy@noaa.gov.

Sincerely,



Christopher Boelke
Acting Assistant Regional Administrator
for Protected Resources

EC: McDermott, F/NER4
Crocker, F/NER3

PCTS: NER-2018-14841

File Code: Section 7 Informal 2018 – FERC Conowingo Relicensing P-405

Document Content(s)

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