

**FEDERAL ENERGY REGULATORY COMMISSION
MEMORANDUM**

DATE: November 3, 2021

FROM: Kristen Sinclair, Wildlife Biologist
Office of Energy Projects, Division of Hydropower Licensing

TO: Public files for the Pejepscot Hydroelectric Project
(FERC Project No. 4784-106).

SUBJECT: List of Threatened, Endangered, Candidate and Proposed Species
Generated by the U.S. Fish and Wildlife Service's ECOS-IPaC Website on
November 3, 2021

On November 3, 2021, Commission staff accessed the U.S. Fish and Wildlife Service's ECOS-IPaC website (<https://ecos.fws.gov/ipac/>) to generate an official list of federally listed threatened, endangered, candidate, and proposed species, and designated or proposed critical habitats that may occur within the boundary of or be affected by the Pejepscot Hydroelectric Project.

The endangered Atlantic salmon and its designated critical habitat, the threatened northern long-eared bat (NLEB), and the candidate monarch butterfly may occur within the project boundary of or be affected by the project. A copy of the list is attached.



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Maine Ecological Services Field Office

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<http://www.fws.gov/mainefieldoffice/index.html>

In Reply Refer To:

November 03, 2021

Consultation Code: 05E1ME00-2021-SLI-1354

Event Code: 05E1ME00-2022-E-00504

Project Name: Pejepscot Hydroelectric Project, FERC No. 4784

Subject: Updated list of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies the threatened, endangered, candidate, and proposed species and designated or proposed critical habitat that may occur within the boundary of your proposed project or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC Web site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the Endangered Species Consultation Handbook at: <http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

This species list also identifies candidate species under review for listing and those species that the Service considers species of concern. Candidate species have no protection under the Act but are included for consideration because they could be listed prior to completion of your project. Species of concern are those taxa whose conservation status is of concern to the Service (i.e., species previously known as Category 2 candidates), but for which further information is needed.

If a proposed project may affect only candidate species or species of concern, you are not required to prepare a Biological Assessment or biological evaluation or to consult with the Service. However, the Service recommends minimizing effects to these species to prevent future conflicts. Therefore, if early evaluation indicates that a project will affect a candidate species or species of concern, you may wish to request technical assistance from this office to identify appropriate minimization measures.

Please be aware that bald and golden eagles are not protected under the Endangered Species Act but are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). Projects affecting these species may require development of an eagle conservation plan: http://www.fws.gov/windenergy/eagle_guidance.html Information on the location of bald eagle nests in Maine can be found on the Maine Field Office Web site: <http://www.fws.gov/mainefieldoffice/Project%20review4.html>

Additionally, wind energy projects should follow the wind energy guidelines: <http://www.fws.gov/windenergy/> for minimizing impacts to migratory birds and bats. Projects may require development of an avian and bat protection plan.

Migratory birds are also a Service trust resource. Under the Migratory Bird Treaty Act, construction activities in grassland, wetland, stream, woodland, and other habitats that would result in the take of migratory birds, eggs, young, or active nests should be avoided. Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm> and at:

<http://www.towerkill.com>; and at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
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Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Maine Ecological Services Field Office

P. O. Box A

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(207) 469-7300

Project Summary

Consultation Code: 05E1ME00-2021-SLI-1354

Event Code: Some(05E1ME00-2022-E-00504)

Project Name: Pejepscot Hydroelectric Project, FERC No. 4784

Project Type: POWER GENERATION

Project Description: Topsham Hydro Partners L.P. applied on August 31, 2020, to the Federal Energy Regulatory Commission (FERC) for a new license to continue operating and maintaining the existing Pejepscot Hydroelectric Project. The project is located on the Androscoggin River in Sagadahoc, Cumberland, and Androscoggin Counties in the village of Pejepscot and the town of Topsham, Maine. The existing project consists of: (1) a 560-foot-long, 47.5-foot-high dam that is topped with a 5-foot-thick reinforced concrete slab; (2) a 225-acre, 3-mile-long reservoir; (3) an original powerhouse integral with the dam and containing three turbine-generator units with a combined rated capacity of approximately 1.58 megawatts (MW); (4) a newer powerhouse also integral with the dam southeast of the original powerhouse and containing a turbine and a generator with a rated capacity of approximately 12.3 MW; (5) a vertical lift upstream fish passage facility; (6) a downstream fish passage facility; (7) a tailrace that discharges water into the Androscoggin River approximately 25 feet downstream of the powerhouses; and (8) two 900-foot-long, 15-kilovolt cable connections to substations located north and south of the powerhouses, respectively. The project is operated in a run-of-river mode.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.97217415,-70.03183826607466,14z>



Counties: Androscoggin, Cumberland, and Sagadahoc counties, Maine

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Fishes

NAME	STATUS
Atlantic Salmon <i>Salmo salar</i> Population: Gulf of Maine DPS There is final critical habitat for this species. Your location overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2097	Endangered

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Atlantic Salmon <i>Salmo salar</i> https://ecos.fws.gov/ecp/species/2097#crithab	Final
