



Department of Energy

Washington, DC 20585

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**SUBJECT: Champlain Hudson Power Express Project
Re-initiation of ESA and EFH Consultation - Request for Concurrence
Docket No. DOE/EIS-0447-SA-01
Docket No. PP-481-1**

Dear Dr. Morris and Ms. Murray:

In the letter dated December 4, 2020, the U.S. Department of Energy (DOE) described CHPE LLC's application to DOE to amend its existing Presidential Permit ([PP-481](#)) for the Champlain Hudson Power Express Project (the Project) and requested re-initiation of informal consultation pursuant to Section 7 of the Endangered Species Act (ESA) as amended and Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

In addition to the minor route modifications and proposed relocation of the site of the converter station described in that letter, on January 15, 2021, CHPE LLC filed a supplement to its Amendment Application requesting that the capacity of the Project be increased from 1000 megawatts (MW), as currently permitted, to 1250 MW ([86 FR 11960; March 1, 2021](#)).

Thank you for meeting with DOE regarding the above on January 29, 2021. Following that meeting, on February 23, 2021, DOE provided you with two reports by Exponent, Inc., which CHPE LLC had retained to assess the expected magnetic fields and thermal loss associated with the capacity increase to 1250 MW. The results showed that the anticipated change in the magnetic field values at the river bottom are similar to those values associated with the Project as permitted, and the expected thermal losses are significantly less than the expected losses associated with the Project as permitted. DOE also provided an addendum document with a summary of all relevant analyses. We discussed these conclusions during our January 29, 2021 meeting.

Section 7 Consultation

DOE's December 4, 2020 letter included an analysis of potential effects on critical habitat for the Atlantic sturgeon. The designation of this critical habitat, whose potential was considered and analyzed previously, is the main change from the 2014 consultation to today. As previously described, while critical habitat had not been identified at the time of the initial consultation in 2014, the habitat needs of the Atlantic sturgeon were known and considered in the Biological Assessment (BA). For the Gulf of Maine, New York Bight, and Chesapeake Bay DPSs, NOAA identified four physical features that support the life history needs of the Atlantic sturgeon. The Project's expected impacts to each of the features based on the BA's findings and subsequent analysis were discussed in our letter and subsequent addendum.

NOAA Fisheries concurred with DOE's determination that the Project is not likely to adversely affect any ESA-listed species under your jurisdiction during construction or over the lifetime of operation in a letter dated September 18, 2014. It is DOE's determination that the proposed changes do not alter the effects determination in our BA and subsequent analysis, or your analysis thereof, for ESA-listed species under your jurisdiction and the designated critical habitat for five distinct population segments (DPS) of Atlantic sturgeon. **DOE requests your updated concurrence with this determination.**

Essential Fish Habitat Consultation

Regarding Essential Fish Habitat (EFH), an EFH Assessment was completed in 2014 with NOAA's response letter dated August 19, 2014. EFH consultation must be re-initiated pursuant to 50 CFR 600.920(j) if new information becomes available. It is DOE's determination that the proposed changes do not alter the effects determination in our EFH Assessment, or your analysis thereof. Following discussions with your office, DOE understands that the proposed amendments may not require that informal consultation be re-initiated. **DOE either requests your updated concurrence with this determination or your response that further consultation is not required.**

Summary of Actions Requested

DOE requests your concurrence with the above determinations regarding ESA-listed species, critical habitat, and EFH. Thank you for your engagement in this consultation. DOE respectfully requests your response by March 26, 2021 so that consultation may be concluded. Please contact me directly at Melissa.Pauley@hq.doe.gov or 202-586-2942 at any time.

Sincerely,



Melissa Pauley
Policy Analyst
Energy Resilience Division, OE-20
Office of Electricity
U.S. Department of Energy

cc: Julie Crocker, Endangered Fish Recovery Branch Chief, Protected Resources Division
Stephan A. Ryba, Chief-Regulatory Branch, NY District, USACE
Josh Bagnato, Vice President, Project Development, Transmission Developers, Inc.