



Department of Energy
Washington, DC 20585

June 26, 2014

Mr. Chris Boelke
Ms. Susan Tuxbury
Habitat Conservation Division
National Marine Fisheries Service
55 Great Republic Dr.
Gloucester, MA 01930

SUBJECT: Champlain Hudson Power Express Revised Essential Fish Habitat Assessment

Dear Mr. Boelke and Ms. Tuxbury:

As you are aware, Champlain Hudson Power Express, Inc. ("CHPEI" or "Applicants") has applied to the U.S. Department of Energy's (DOE) Office of Electricity Delivery and Energy Reliability for a Presidential Permit to construct, operate, maintain, and connect the proposed Champlain Hudson Power Express Transmission Line Project.

In accordance with Section 305(b) of the Magnuson-Stevens Act, as amended, DOE intends to consult with National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) Habitat Conservation Division regarding essential fish habitat (EFH) that might be affected by the proposed CHPE Project. Enclosed for your review is a revised copy of the EFH Assessment (Enclosure 1), which provides a description of the proposed CHPE Project, defines the region of influence (ROI) wherein effects on EFH could occur, provides detailed EFH descriptions and analyses on potential effects from the CHPE Project, and addresses avoidance and minimization measures intended to reduce potential effects. The EFH Assessment also addresses potential impacts on fish and other aquatic resources within the ROI that are not managed by NMFS in accordance with the Fish and Wildlife Coordination Act (FWCA). This revised copy of the EFH Assessment incorporates the following high-level comments provided by Chris Boelke on May 28, 2014. These comments and DOE's responses are as follows:

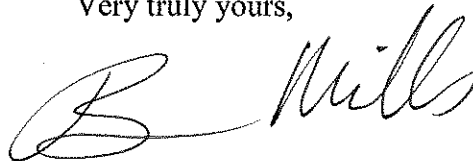
- **NMFS Comment:** Include dates for blasting in the Harlem River to avoid impacts to anadromous fish.
 - **DOE Response:** Blasting dates intended to avoid impacts on anadromous fish are reflected in Section 2.5.1 and Table 2-2, the *Blasting* subsection of Section 4.1, and Section 6 of the EFH Assessment, as discussed with NMFS on a teleconference on June 6, 2014.

- **NMFS Comment:** Include dates for in-water activities in Hudson and Harlem Rivers to protect early life stages of winter flounder.
 - **DOE Response:** Dates of in-water activities intended to avoid impacts on winter flounder are reflected in Section 2.5.1 and Table 2-2 and at the end of the *Riverbed Disturbance* subsection of Section 4.1 of the EFH Assessment. As discussed with NMFS on a teleconference on May 28 and June 6, 2014, the construction windows in the Harlem River now start on May 31 rather than May 15 to protect winter flounder.
- **NMFS Comment:** Identify submerged aquatic vegetation (SAV) and shellfish resources in the Hudson and Harlem rivers and the impacts the project (cable, cable sweep area, and/or concrete mattresses) will have on those resources. This will help us to make recommendations to avoid and minimize impacts, as well as to identify resources that may require mitigation.
 - **DOE Response:** These resources and their impacts are addressed in Sections 3.2.2 and 3.2.2, and the first 4 pages of Section 4 of the EFH Assessment as discussed with NMFS on a teleconference on June 6, 2014. In addition, a map book showing these resources where possible is included as an attachment to the EFH Assessment.

The DOE has prepared this revised EFH Assessment in support of the National Environmental Policy Act (NEPA) review of potential environmental impacts related to the proposed CHPE Project. DOE released the Draft Environmental Impact Statement (EIS) for the proposed CHPE Project in September 2013. Also enclosed are updated responses to the comments on the Draft EIS DOE received from NMFS on January 15, 2014 (Enclosure 2), as well as responses to the comments provided by Melissa Alvarez of NMFS on June 20, 2014, which include specific locations in the EFH Assessment where comments are addressed. We would also like to schedule another comment resolution meeting to discuss any concerns related to EFH and FWCA.

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

Very truly yours,



Mr. Brian Mills
Office of Electricity Delivery and
Energy Reliability
U.S. Department of Energy

Enclosures 1 and 2