

**FEDERAL ENERGY REGULATORY COMMISSION
MEMORANDUM**

DATE: March 3, 2022

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 March
3, 2022

On March 3, 2022, 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 and proposed critical habitats that may occur within the boundary of or may be affected by the proposed 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

P. O. Box A

East Orland, ME 04431

Phone: (207) 469-7300 Fax: (207) 902-1588

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

In Reply Refer To:

March 03, 2022

Project Code: 2022-0015125

Project Name: Pejepscot Hydroelectric Project, FERC No. 4784

Subject: 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 threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The 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 website 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/or 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 and/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>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

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 Code 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

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

East Orland, ME 04431

(207) 469-7300

Project Summary

Project Code: 2022-0015125
Event Code: None
Project Name: Pejepscot Hydroelectric Project, FERC No. 4784
Project Type: Power Gen - Hydropower - FERC
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.

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

IPaC User Contact Information

Agency: Federal Energy Regulatory Commission

Name: Kristen Sinclair

Address: 888 First St. NE

City: Washington

State: DC

Zip: 20426

Email kristen.sinclair@ferc.gov

Phone: 2025026587
