



**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

JAN - 2 2018

John H. Nagle  
Environmental Scientist/Biologist  
Office of Ecosystem Protection  
USEPA Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109

Re: Schiller Station Electric Generating Facility; Portsmouth, New Hampshire; NPDES Permit  
No. NH0001473

Dear Mr. Nagle,

We have completed our consultation under section 7 of the Endangered Species Act (ESA) in response to your original November 29, 2017 letter and December 15, 2017 revised letter, regarding the above-referenced proposed project. We reviewed your (the action agency) consultation request document and related materials. Based on our knowledge and your materials, we concur with your conclusion that reinitiation is required but that the proposed action is not likely to adversely affect any ESA-listed species or designated critical habitat under our jurisdiction. Therefore, no further consultation pursuant to section 7 of the ESA is required.

While it does not affect the validity of your conclusions, we note that you seem to have misinterpreted the definition of physical feature two of the Atlantic sturgeon critical habitat designation. Feature two includes all aquatic habitat within the salinity gradient between 0.5 up to as high as 30 parts per thousand (ppt) between the river mouth and spawning sites that also contains soft substrate. You state that because salinity fluctuates between 15 and 33 ppt, that the action area does not contain feature two. While we agree that the lack of soft substrate in the action area would mean that feature two is not present, the salinity of the action area is consistent with the description of feature two.

Reinitiation of consultation is required and shall be requested by the Federal agency or by the Service, 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. No take is anticipated or exempted. Should you have any questions about this correspondence please contact Chris Vaccaro at (978) 281-9167 or by email ([christine.vaccaro@noaa.gov](mailto:christine.vaccaro@noaa.gov)).



For questions related to Essential Fish Habitat please contact Mike Johnson with our Habitat Conservation Division at 978-281-9130 or at [mike.r.johnson@noaa.gov](mailto:mike.r.johnson@noaa.gov).

Sincerely,



Julia E. Crocker  
Acting Assistant Regional Administrator  
for Protected Resources

EC: Vaccaro, PRD; Cobb, EPA

PCTS: NER-2017-14586

File Code: H:\Section 7 Team\Section 7\Non-Fisheries\EPA\Informal\2017\Schiller Station Re-initiation