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BH
R. Waller

United States Department of the Interior

FISH AND WILDLIFE SERVICE
100 Grange Place
Room 202
Cortland, New York 13045

November 13, 1991

Mr. Robert W. Hargrove, Chief
Environmental Impacts Branch
U.S. Environmental Protection Agency
Jacob K. Javits Building
New York, NY 10278

Dear Mr. Hargrove:

This responds to your letter of October 16, 1991, requesting information on the presence of Federally listed or proposed endangered or threatened species in the vicinity of the Hudson River PCBs Site, which now includes both the Upper and Lower Hudson River, from Hudson Falls, Washington County to The Battery in New York Harbor.

Except for occasional transient individuals, no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) is required with the U.S. Fish and Wildlife Service (Service). Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered.

However, the Federally listed endangered shortnose sturgeon (*Acipenser brevirostrum*) is found in the Hudson River between Troy, New York and The Battery. This species is under the jurisdiction of the National Marine Fisheries Service. You should contact Mr. Douglas W. Beach, National Marine Fisheries Service, Habitat Conservation Branch, One Blackburn Drive, Gloucester, Massachusetts 01930-2298.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the Endangered Species Act. This response does not preclude additional Service comments under the Fish and Wildlife Coordination Act or other legislation.

For additional information on State-listed species, we suggest you contact:

New York State Department of Environmental Conservation
Significant Habitat Unit
Information Services
700 Troy-Schenectady Road
Latham, NY 12110-2400
(518) 783-3932

If you have any questions regarding this letter, contact Tom McCartney at (607) 753-9334.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leonard P. Corin".

Leonard P. Corin
Field Supervisor

cc: NYSDEC, Latham, NY