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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

DATE: JUL 15 1999

SUBJECT: Endangered Species Act Consultation
Hudson River PCBs SiteFROM: Robert R. W. Witte
Robert Witte, Life Scientist
Environmental Review SectionTO: Alison Hess, Remedial Project Manager
Sediment Projects Team

In response to your July 15, 1999 electronic message concerning endangered species consultation on the Hudson River PCBs site. I have attached copies of the consultation correspondence between EPA and the Services conducted in 1991.

Please note that the National Marine Fisheries Service (NMFS) letter cites the shortnose sturgeon (*Acipenser brevirostrum*) as inhabiting the Hudson River from the Battery to Troy, New York. The letter also states that there is a possibility that the species has reached the Upper Hudson River via the locks of the State Barge Canal system, and that "it may be feasible to conduct new surveys to better define the shortnose sturgeons's habitats in the Hudson River." You may wish to discuss with Lisa Rosman of NOAA an April 14, 1999 electronic message she received from a colleague that reiterates the possible distribution, and notes that apparently no one has done a survey for the purpose of confirming the possible existence of the species in the Upper Hudson. I cannot say what the position of NMFS would be at this time regarding a need to clarify the distribution of the species.

The U.S. Fish and Wildlife Service (FWS) response indicated that, except for "occasional transient individuals," no listed species under its jurisdiction were known for the area. Since that time, however, some nesting of the bald eagle (*Haliaeetus leucocephalus*) may have occurred on the Lower Hudson, which may change the FWS position.

Given the length of time (almost eight years) since consultation was conducted on this site, and in view of the other considerations involved, you may wish to discuss with the Natural Resources Trustees whether EPA should reinitiate consultation with the Services on the above species or any newly listed species such as the bog turtle (*Clemmys muhlenbergii*). Should you decide to reinitiate consultation, please contact Grace Musumeci, Chief, Environmental Review Section, to request Section assistance. If you have any questions, you may contact me at x3750.

Attachments