

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
December 6, 2022

OFFICE OF ENERGY PROJECTS

Project No. 11810-004 – Georgia
and South Carolina
Augusta Canal Project
City of Augusta, Georgia

Project No. 516-459 – South Carolina
Saluda Hydroelectric Project
South Carolina Electric & Gas Company

VIA FERC SERVICE

Ms. Kelly Shotts, Acting Assistant Regional Administrator
National Marine Fisheries Service, U.S. Department of Commerce
263 13th Avenue South
St. Petersburg, FL 33701

**Re: Endangered Species Act Consultation for the Augusta Canal and Saluda
Hydroelectric Projects**

Dear Ms. Shotts:

As you are aware, applications are pending at the Commission for the Augusta Canal Project No. 11810 and Saluda Hydroelectric Project No. 516 (Saluda Project). The Augusta Canal and Saluda Projects involve consultation under the Endangered Species Act (ESA) on the federally endangered shortnose sturgeon (*Acipenser brevirostrum*) and the southeast populations of Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*).

The Final Environmental Assessments (final EA) prepared by Commission staff for the two projects address the effects of continued project operation on the shortnose sturgeon.¹ For the Augusta Canal Project, staff requested concurrence with a finding of “not likely to adversely affect” for the shortnose sturgeon on October 2, 2006, and for the Saluda Project, staff requested formal consultation on the species on July 20, 2010. With

¹ Staff issued a final EA for the Augusta Canal Project on September 22, 2006, and a final EA for the Saluda Project on July 20, 2010. Neither final EA specifically addressed project effects on Atlantic sturgeon.

regard to the February 6, 2012 listing of Atlantic sturgeon,² in a March 5, 2012 letter to NMFS, staff: (1) determined that the proposed actions, with mandatory conditions and staff's additional measures for both projects, would likely adversely affect the Atlantic sturgeon and its habitat; and (2) requested formal consultation.

The last filing we received from NMFS on the Augusta Canal Project was a September 5, 2019, letter, in which NMFS indicated that the Biological Opinion (BO) was targeted for issuance in late 2019. On July 13, 2020, Commission staff contacted NMFS on the Saluda Project, and NMFS stated that the BO would be filed within 3 to 4 months. Since 2019, Commission staff has communicated informally with NMFS via phone and email. NMFS has indicated that progress is being made on both BOs, but the issuance dates have continued to be pushed back. To date, we have not received a BO for either project.

Given that no extension of the statutory timeframe was requested in either case, the consultation process and issuance of BOs for the two projects are well beyond the 135 days provided for formal consultation under the ESA (*see* 50 C.F.R. §402.14(e) and section 7(b) of the ESA). Therefore, I am asking that you and your staff either complete your efforts and file the BOs for the Augusta Canal and Saluda Projects, or file a schedule with the Commission for issuing the BOs.

Please contact Allan Creamer, of my staff, at (202) 502-8365, or by email at allan.creamer@ferc.gov, if you have any questions.

Sincerely,

Vince Yearick
Director
Division of Hydropower Licensing

Cc: Mr. William Brown
Atlanta Regional Engineer
Gwinnett Commerce Center
3700 Crestwood Pkwy NW, Suite 950
Duluth, GA 30096

² On February 6, 2012, the National Marine Fisheries Service (NMFS) listed the southeast populations of Atlantic sturgeon as endangered under the ESA [*see* 77 Fed. Reg. 5914 (2012)]. This listing became effective April 6, 2012.