



## **Appendix L: Agency Correspondence**

## **LICENSE AGREEMENT**

On this 30th day of NOVEMBER 2022, the TOWN OF PUTNAM, a municipal corporation organized and existing under the laws of the State of New York (hereinafter "Licensor") and CALDWELL MARINE INTERNATIONAL, LLC. (hereinafter "the CMI"), a New Jersey Limited Liability Company located at 1333 Campus Parkway, Wall Township, NJ 07753 hereby agree to the license for use of its facility and property under the terms set forth in this agreement. In consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge

### ***Section 1. Scope.***

Licensor hereby grants to the CMI (during the Term) a non-revocable license (this "License") for access to and use of a certain portion of property located at 70 Lapointe Lane (the "Premises") as more fully described in Exhibit A. Licensor agrees that CMI shall be permitted:

- 1) Use of the Premises, including ingress and egress of delivery and equipment trucks, for the purposes of receiving, unloading, assembly, and pull-in of certain construction equipment and materials, including HDPE pipe, for the Champlain Hudson Power Express Project.
- 2) Use and storage of construction equipment and materials on the Premises.
- 3) Any incidental rights reasonably necessary to allow CMI, its employees, and agents to perform the foregoing.

### ***Section 2. Term of License.***

This License shall be effective upon CMI's thirty (30) days' notice of its intent to begin operations, which shall begin no later than May 1, 2023, and shall continue for a period three (3) month thereafter. (the "Term"). The foregoing Term may be extended through written agreement of the parties.

### ***Section 3. License Fees.***

CMI shall pay a fee to Licensor in the sum of three-hundred dollars (\$300) per day during the Term for each day that CMI actively performs work on the Premises. No fee shall be due for days on which CMI is not performing operations. Payment of such fees shall be due on the 5<sup>th</sup> day of each month for each day of active operations in the preceding calendar month. CMI shall pay a late charge of fifty dollars (\$50) a day for each day a payment is more than seven (7) days late.

### ***Section 4. Non-Interference.***

Licensor agrees that CMI shall be allowed to make reasonable use of the Premises, twenty-four (24) hours a day, seven (7) days a week, free from interference by Licensor, its employees, agents, or other persons or entities making use of the Premises. CMI shall not sublicense or assign this License without Licensor's prior written consent.

### ***Section 5. Indemnity.***

CMI shall indemnify, defend and hold harmless the Licensor and its respective officers, directors, members, agents and employees, from and against damages, claims, liens and liability to the extent caused by the negligent or wrongful act or omission of CMI, its subcontractors, employees, invitees, guests, agents or those it is legally responsible for. CMI shall maintain, at its own cost and expense, and keep in force during the Term, General Liability coverage limits are as follows: \$1,000,000 per occurrence and having aggregate limits of \$2,000,000 or greater. If Lessee or its agents will be operating motor vehicles on the Premises, Company shall provide Auto Liability Coverage with minimum limits of \$1,000,000. Before accessing the Premises CMI shall furnish certificates evidencing the required insurance. All coverage shall be provided on an "occurrence" basis and shall name Licensor as an additional insured on a primary basis with waiver of subrogation.

Prior to commencement of any use or activity on the premises, CMI shall provide copies of all insurance coverage binders covering CMI and any of its subcontractors naming the Lessor as the loss payee.

**Section 6. Site Maintenance**

1. CMI shall keep the Premises and surrounding area free from accumulation of waste materials or rubbish caused by its operations. At completion of the Term, the CMI shall remove waste materials, rubbish, tools, equipment, machinery and surplus materials from and about the Premises.
2. CMI shall install a temporary safety fence along the perimeter of the portion of property to delineate and separate CMI's work area from the remaining lands of the Lessor.
3. Any storage, work or other use of the property by CMI shall be arranged and conducted so as not to interfere with any other use of the property by the Lessor or any residents or guests of the Town of Putnam.
4. Upon completion of the project and the end of the license period, CMI shall be responsible for removing all equipment, materials and supplies from the premises and reasonably restoring any roadways or used areas to their original condition.

**Section 7. Title & Expiration.**

Licensor shall retain title and fee interest to the Premises. CMI shall retain title to its property, equipment, or materials stored or located on the Premises.

**Section 8. Notices.**

Except as otherwise provided in this Section, notices shall be given in writing, shall be delivered to the addresses as set forth above, and shall be deemed duly given and received: (i) if so addressed and sent by certified or registered mail, postage prepaid-then on the third business day after posting; or (ii) if so addressed and delivered by hand, on the day of delivery.

**Section 9. Miscellaneous.**

Licensor represents and warrants that Licensor holds legal title to the Premises and/or otherwise has legal authority to grant CMI the License herein. The parties acknowledge that this License is conditioned upon the acquisition of any permits required to enable CMI to make use of the Premises for its intended purpose.

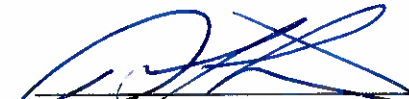
All waivers of any part of this agreement must be duly executed in writing. Any such waiver shall apply only to any breach stated in such writing. Any provision of this license, or its application to any circumstance, shall be found to be invalid or unenforceable, the remaining provisions hereof, or the application of such provision to all other circumstances, shall not be affected thereby. This License contains all of the agreements of the parties hereto and supersedes all prior writings and dealings. No amendment to this License shall be effective unless such amendment is in writing and signed by the parties hereto. The titles of the sections of this License are provided for convenience only and shall not be considered a part of this License. This License shall benefit and bind the parties their successors and assigns, and shall be binding upon their heirs and successors. This License shall be governed by the laws of the State of New York.

Executed as a sealed instrument as of the Date of Execution.

Dated:



Caldwell Marine International, LLC  
By: **Thomas F. Ulisse**  
Its: **Project Executive**





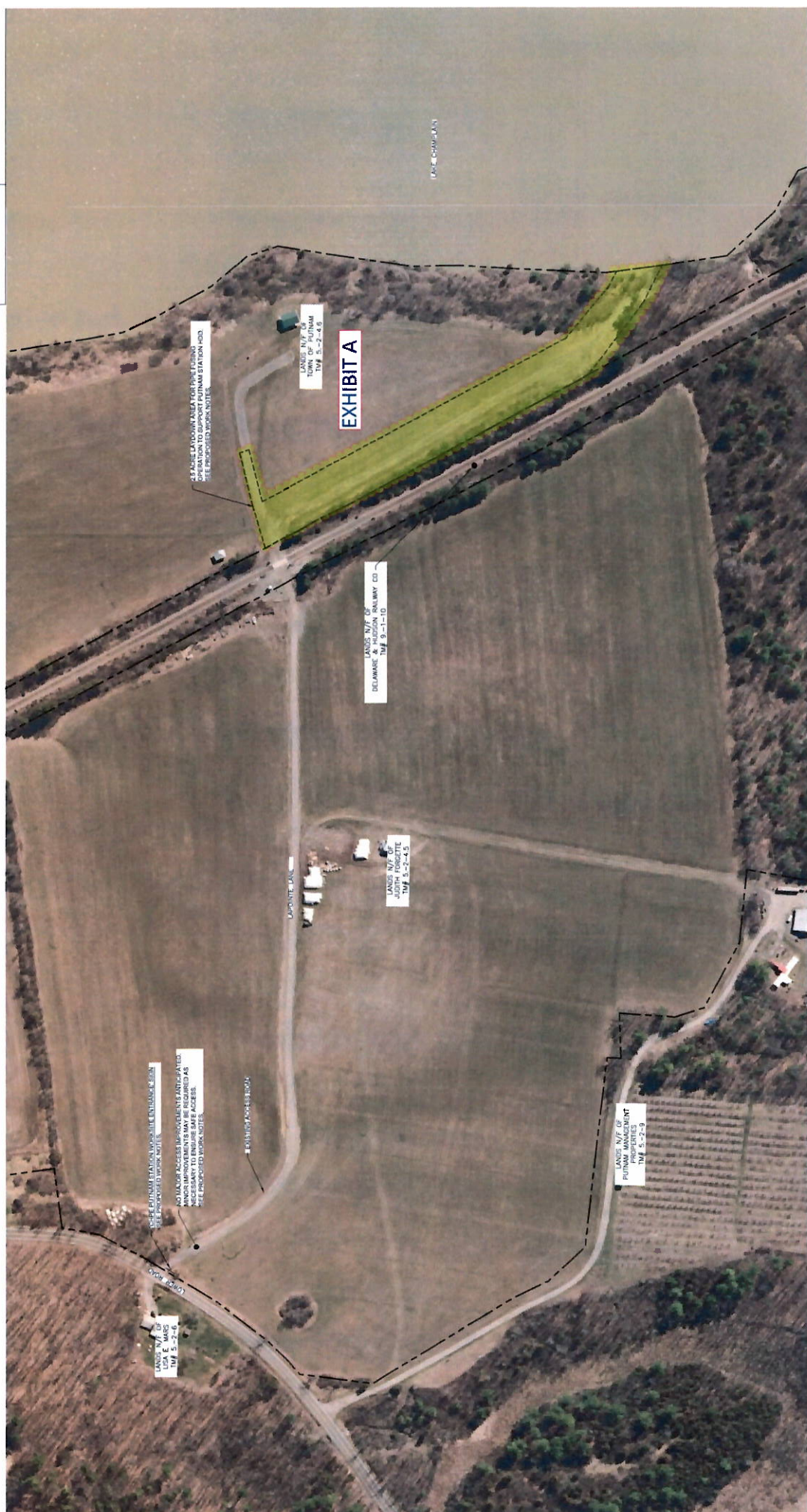
Town of Putnam  
By: **Darrell T. Wilson**  
Its: **Supervisor**



1. LAND DISTURBANCE IS NOT ANTICIPATED. AREAS OF AGRICULTURAL FIELD TO BE USED FOR PIPE Laying OPERATIONS WILL BE COVELED WITH TIMBER MATTING.
2. THE EXISTING ACCESS ROAD AND LAIDOWN AREA IS ANTICIPATED TO SUPPORT THE PIPE Laying OPERATION IN ITS CURRENT CONDITION. MINOR ACCESS SURFACE IMPROVEMENTS AND INSTALLATION OF ADDITIONAL EROSION CONTROL MEASURES WILL BE IMPLEMENTED AS NECESSARY TO PREVENT SOILS RUNOFF FROM FLOWING OUTSIDE OF THE LAIDOWN AREA.
3. TEMPORARY CONSTRUCTION APPROACHES, FINAL SITE PLAN AND LOCATIONS TO BE APPROVED BY THE OWNER AND COORDINATED WITH THE TOWN OF PUTNAM'S PROPERTY ON BOTH LOWER ROAD APPROACHES.

1. AERIAL PHOTOGRAPHY OBTAINED FROM THE NEW YORK GIS CLEARINGHOUSE, STATEWIDE DIGITAL ORTHORECTIFICATION PROGRAM, DATED SEPTEMBER 2017
2. PARCEL DATA OBTAINED FROM NEW YORK GIS CLEARINGHOUSE, DIGITAL MAPS DATABASE, NYS STATEWIDE 2021 PARCEL LAYER, PUBLISHED OCTOBER 2022
3. LIMITS OF LAYDOWN AREA PROVIDED BY CALDWELL MARINE INC IN SEPTEMBER 2022

 PARCEL BOUNDARIES  
 2.5 ACRE LAYDOWN AREA

[illegible]

**From:** [Thomas Ulisse CMI](#)  
**To:** [Darrell Wilson](#)  
**Cc:** [Brett Bailey](#); [Dominic Palermo](#); [John Breitenbach](#)  
**Bcc:** [Greg Goett](#)  
**Subject:** FW: License Agreement - Town of Putnam Tax Map 5, Parcel 2-4.6  
**Date:** Wednesday, November 30, 2022 4:50:00 PM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image002.png](#)  
[image001.png](#)  
[Putnam License for CHPE-Signed.pdf](#)  
[image003.png](#)

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Darrell,

Good afternoon. The additions to the document are acceptable to CMI. Please find attached a signed .pdf of the document. Kindly execute the document and return to me. Your cooperation in this matter is greatly appreciated.

Regards,

Tom

**Thomas F. Ulisse, P.E.\*, Assoc. DBIA**

**Project Executive**

\*PE in NJ

**Office:** (732) - 557 - 6100

**Cell:** (732) - 620 - 3470

**Email:** [tulisse@caldwellmarine.com](mailto:tulisse@caldwellmarine.com)

**Website:** <http://www.caldwellmarine.com>

**Address:** 1333 Campus Parkway, Wall Township, NJ 07753



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**From:** Darrell Wilson <supervisor.wilson@townofputnamny.com>

**Sent:** Monday, November 28, 2022 6:06 PM

**To:** Thomas Ulisse CMI <TULisse@caldwellmarine.com>

**Cc:** Brett Bailey <Brett.Bailey@caldwellmarine.com>; Dominic Palermo <dpalermo@caldwellmarine.com>; John Breitenbach <jbreitenbach@ticonderogalaw.com>

**Subject:** Re: License Agreement - Town of Putnam Tax Map 5, Parcel 2-4.6

Tom,

Please find attached some requested additions to the document for your review.

Warm regards,  
Darrell

On Thu, Nov 17, 2022 at 4:39 PM Thomas Ulisse CMI <[TUlissee@caldwellmarine.com](mailto:TUlissee@caldwellmarine.com)> wrote:

Darrell,

Good afternoon. Per our telephone conversation of 11/1/22, please find attached for your review the proposed license agreement for CMI to utilize the property, as shown on Exhibit A, located adjacent to Lake Champlain.

Let me know if there are any comments on the agreement. If there are no comments, please sign a copy of the agreement and return to my attention for countersignature.

CMI appreciates yours and the Town's cooperation with us regarding this item.

Do not hesitate to contact me if you have any questions.

Regards,

Tom

**Thomas F. Ulisse, P.E.\*, Assoc. DBIA**

**Project Executive**

\*PE in NJ



**Office:** (732) - 557 - 6100

**Cell:** (732) - 620 - 3470

**Email:** [tulissee@caldwellmarine.com](mailto:tulissee@caldwellmarine.com)

**Website:** <http://www.caldwellmarine.com>

**Address:** 1333 Campus Parkway, Wall Township, NJ 07753



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Darrell Wilson  
Supervisor  
Town of Putnam, NY 12861





## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385  
Phone: (607) 753-9334 Fax: (607) 753-9699  
Email Address: [fw5es\\_nyfo@fws.gov](mailto:fw5es_nyfo@fws.gov)

In Reply Refer To:

November 30, 2022

Project Code: 2023-0020059

Project Name: Champlain Hudson Power Express Putnam Station Horizontal Directional Drill

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.**

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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:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

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## Project Summary

Project Code: 2023-0020059  
Project Name: Champlain Hudson Power Express Putnam Station Horizontal Directional Drill  
Project Type: Transmission Line - New Constr - Below Ground  
Project Description: Champlain Hudson Power Express, LLC (CHPE) is proposing to construct the Champlain Hudson Power Express project, an approximately 330-mile submarine and terrestrial High Voltage Direct Current (HVDC) transmission project that will connect clean power generated in Canada with New York City. As part of this project, CHPE is proposing to install conduits at the Putnam Station Transitional Horizontal Directional Drill (HDD) Project site.

The Putnam Station HDD Project will facilitate the submarine cable transition from Lake Champlain to the land cable for the overland route. The HDD work pad is located in an open area at the end of County Road 3 in the Putnam Station hamlet, within the Town of Putnam, Washington County, NY. The proposed HDD will begin at the work pad and then continue northeast with in-lake exit in Lake Champlain near the entrance to Mill Bay. The study area covers 5.06 acres, and the area of potential disturbance for the HDD will cover approximately 0.31 acres within the parcel.

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.7347643,-73.3745574972726,14z>



Counties: Washington County, New York

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## 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 Fisheries<sup>1</sup>, 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.

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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     |
|--|------------|
| Indiana Bat <i>Myotis sodalis</i><br>There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a> | Endangered |
| Northern Long-eared Bat <i>Myotis septentrionalis</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>                                 | Threatened |

## Insects

| NAME   | STATUS    |
|--|-----------|
| Monarch Butterfly <i>Danaus plexippus</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a> | Candidate |

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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**IPaC User Contact Information**

Agency: TRC  
Name: Katie Conese  
Address: 404 Wyman Street  
Address Line 2: Suite 375  
City: Waltham  
State: MA  
Zip: 02451  
Email: kconese@trccompanies.com  
Phone: 7814197709

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## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385  
Phone: (607) 753-9334 Fax: (607) 753-9699  
Email Address: [fw5es\\_nyfo@fws.gov](mailto:fw5es_nyfo@fws.gov)



In Reply Refer To:

November 30, 2022

Project Code: 2023-0020085

Project Name: Champlain Hudson Power Express Putnam Station Laydown

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.

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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:

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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

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This species list is provided by:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

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## Project Summary

Project Code: 2023-0020085  
Project Name: Champlain Hudson Power Express Putnam Station Laydown  
Project Type: Transmission Line - New Constr - Below Ground  
Project Description: Champlain Hudson Power Express, LLC (CHPE) is proposing to construct the Champlain Hudson Power Express project, an approximately 330-mile submarine and terrestrial High Voltage Direct Current (HVDC) transmission project that will connect clean power generated in Canada with New York City. As part of this project, CHPE is proposing to use contractor laydown yards.

For the Putnam Station segment, the Putnam Station laydown yard will be utilized as a contractor laydown yard. The site is an existing previously disturbed area adjacent to Lake Champlain accessed via Lapointe Lane in the Town of Putnam. The study area covers 3.33 acres, and the area of potential disturbance for the laydown yard will cover approximately 2.46 acres within the parcel.

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.7826016,-73.36656237825355,14z>



Counties: Washington County, New York

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## 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 Fisheries<sup>1</sup>, 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     |
|--|------------|
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| Northern Long-eared Bat <i>Myotis septentrionalis</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>                                 | Threatened |

## Insects

| NAME   | STATUS    |
|--|-----------|
| Monarch Butterfly <i>Danaus plexippus</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a> | Candidate |

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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**IPaC User Contact Information**

Agency: TRC  
Name: Katie Conese  
Address: 404 Wyman Street  
Address Line 2: Suite 375  
City: Waltham  
State: MA  
Zip: 02451  
Email: kconese@trccompanies.com  
Phone: 7814197709

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## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385  
Phone: (607) 753-9334 Fax: (607) 753-9699  
Email Address: [fw5es\\_nyfo@fws.gov](mailto:fw5es_nyfo@fws.gov)



In Reply Refer To:

November 29, 2022

Project Code: 2023-0019406

Project Name: Champlain Hudson Power Express Cementon Horizontal Directional Drill

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.**

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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:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

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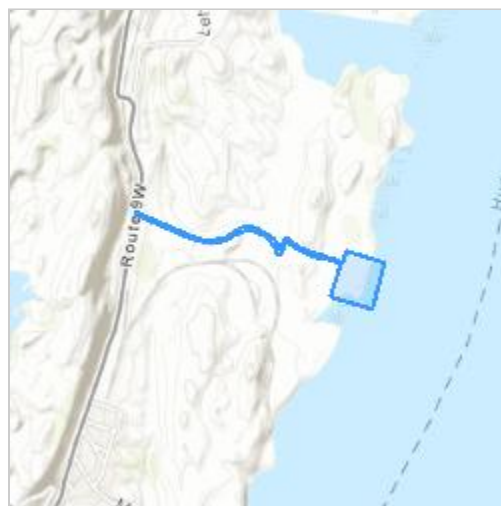
## Project Summary

Project Code: 2023-0019406  
Project Name: Champlain Hudson Power Express Cementon Horizontal Directional Drill  
Project Type: Transmission Line - New Constr - Below Ground  
Project Description: Champlain Hudson Power Express, LLC (CHPE) is proposing to construct the Champlain Hudson Power Express project, an approximately 330-mile submarine and terrestrial High Voltage Direct Current (HVDC) transmission project that will connect clean power generated in Canada with New York City. As part of this project, CHPE is proposing to install conduits at the Cementon Transitional Horizontal Directional Drill (HDD) Project site.

The Cementon HDD will facilitate the submarine cable transition from the Hudson River to the land cable for the overland route. The Cementon HDD Segment is located east of Route 9W in the hamlet of Cementon, within the Town of Catskill, Greene County, NY. The HDD work pad is located on a clearing northeast of Lehigh Cement's cement plant, at the end of Alpha Boulevard. The proposed HDD will begin at the work pad and then continue south with in-river exit location in the Hudson River (Lower Hudson River) at approximately River Mile 107. The study area covers 15.21 acres, and the area of potential disturbance for the HDD will cover approximately 0.79 acres within the parcel.

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.144532299999995,-73.90769396036242,14z>



Counties: Greene County, New York

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## Endangered Species Act Species

There is a total of 2 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 Fisheries<sup>1</sup>, 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.

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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     |
|---|------------|
| Indiana Bat <i>Myotis sodalis</i>   | Endangered |
| There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a> |            |

## Insects

| NAME  | STATUS    |
|---|-----------|
| Monarch Butterfly <i>Danaus plexippus</i>   | Candidate |
| No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a> |           |

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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## **IPaC User Contact Information**

Agency: TRC  
Name: Katie Conese  
Address: 404 Wyman Street  
Address Line 2: Suite 375  
City: Waltham  
State: MA  
Zip: 02451  
Email: kconese@trccompanies.com  
Phone: 7814197709

## **Lead Agency Contact Information**

Lead Agency: Army Corps of Engineers

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## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385  
Phone: (607) 753-9334 Fax: (607) 753-9699  
Email Address: [fw5es\\_nyfo@fws.gov](mailto:fw5es_nyfo@fws.gov)

In Reply Refer To:

November 30, 2022

Project Code: 2023-0020055

Project Name: Champlain Hudson Power Express Congers Horizontal Directional Drill

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.

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(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>.

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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.**

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**Note:** IPaC has provided all available attachments because this project is in multiple field office jurisdictions.

Attachment(s):

- Official Species List
  - USFWS National Wildlife Refuges and Fish Hatcheries
  - Migratory Birds
  - Wetlands
-

## 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:

### **New York Ecological Services Field Office**

3817 Luker Road  
Cortland, NY 13045-9385  
(607) 753-9334

This project's location is within the jurisdiction of multiple offices. However, only one species list document will be provided for all offices. The species and critical habitats in this document reflect the aggregation of those that fall in each of the affiliated office's jurisdiction. Other offices affiliated with the project:

### **Long Island Ecological Services Field Office**

340 Smith Road  
Shirley, NY 11967-2258  
(631) 286-0485

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## Project Summary

**Project Code:** 2023-0020055  
**Project Name:** Champlain Hudson Power Express Congers Horizontal Directional Drill  
**Project Type:** Transmission Line - New Constr - Below Ground  
**Project Description:** Champlain Hudson Power Express, LLC (CHPE) is proposing to construct the Champlain Hudson Power Express project, an approximately 330-mile submarine and terrestrial High Voltage Direct Current (HVDC) transmission project that will connect clean power generated in Canada with New York City. As part of this project, CHPE is proposing to install conduits at the Congers Transitional Horizontal Directional Drill (HDD) Project site.

The Congers HDD will facilitate the submarine cable transition from the Hudson River to the land cable for the overland route. The HDD work pad is located on a salvage yard east of Route 9W in the hamlet of Congers, within the town of Clarkstown, Rockland County, NY. The proposed HDD will begin at the work pad and then continue northeast with in-river exit location in the Hudson River at approximately River Mile 34. The study area covers 0.91 acres, and the area of potential disturbance for the HDD will cover approximately 0.60 acres within the parcel.

**Project Location:**

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.15775705,-73.92755203248747,14z>



**Counties:** Rockland County, New York

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## Endangered Species Act Species

There is a total of 2 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 Fisheries<sup>1</sup>, 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><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a> | Threatened |

## Insects

| NAME   | STATUS    |
|--|-----------|
| Monarch Butterfly <i>Danaus plexippus</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a> | Candidate |

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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# USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

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# Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

- 
1. The [Migratory Birds Treaty Act](#) of 1918.
  2. The [Bald and Golden Eagle Protection Act](#) of 1940.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

**The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location.** To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

| NAME   | BREEDING SEASON         |
|--|-------------------------|
| <b>Bald Eagle <i>Haliaeetus leucocephalus</i></b><br>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. | Breeds Oct 15 to Aug 31 |
| <b>Black Skimmer <i>Rynchops niger</i></b><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br><a href="https://ecos.fws.gov/ecp/species/5234">https://ecos.fws.gov/ecp/species/5234</a>                          | Breeds May 20 to Sep 15 |

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| NAME   | BREEDING SEASON         |
|--|-------------------------|
| <b>Black-billed Cuckoo</b> <i>Coccyzus erythrophthalmus</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br><a href="https://ecos.fws.gov/ecp/species/9399">https://ecos.fws.gov/ecp/species/9399</a>   | Breeds May 15 to Oct 10 |
| <b>Blue-winged Warbler</b> <i>Vermivora pinus</i><br>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA   | Breeds May 1 to Jun 30  |
| <b>Bobolink</b> <i>Dolichonyx oryzivorus</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.   | Breeds May 20 to Jul 31 |
| <b>Canada Warbler</b> <i>Cardellina canadensis</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.   | Breeds May 20 to Aug 10 |
| <b>Cerulean Warbler</b> <i>Dendroica cerulea</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br><a href="https://ecos.fws.gov/ecp/species/2974">https://ecos.fws.gov/ecp/species/2974</a>  | Breeds Apr 29 to Jul 20 |
| <b>Chimney Swift</b> <i>Chaetura pelagica</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  | Breeds Mar 15 to Aug 25 |
| <b>Golden Eagle</b> <i>Aquila chrysaetos</i><br>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.<br><a href="https://ecos.fws.gov/ecp/species/1680">https://ecos.fws.gov/ecp/species/1680</a> | Breeds elsewhere        |
| <b>Kentucky Warbler</b> <i>Oporornis formosus</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  | Breeds Apr 20 to Aug 20 |
| <b>Lesser Yellowlegs</b> <i>Tringa flavipes</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br><a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a>   | Breeds elsewhere        |
| <b>Long-eared Owl</b> <i>asio otus</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br><a href="https://ecos.fws.gov/ecp/species/3631">https://ecos.fws.gov/ecp/species/3631</a>  | Breeds Mar 1 to Jul 15  |
| <b>Prairie Warbler</b> <i>Dendroica discolor</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.   | Breeds May 1 to Jul 31  |

| NAME  | BREEDING SEASON         |
|---|-------------------------|
| <b>Prothonotary Warbler</b> <i>Protonotaria citrea</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.                        | Breeds Apr 1 to Jul 31  |
| <b>Red-headed Woodpecker</b> <i>Melanerpes erythrocephalus</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.                | Breeds May 10 to Sep 10 |
| <b>Ruddy Turnstone</b> <i>Arenaria interpres morinella</i><br>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA | Breeds elsewhere        |
| <b>Rusty Blackbird</b> <i>Euphagus carolinus</i><br>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA           | Breeds elsewhere        |
| <b>Wood Thrush</b> <i>Hylocichla mustelina</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.                                | Breeds May 10 to Aug 31 |

## Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12

(0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .

3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

**Survey Effort (|)**

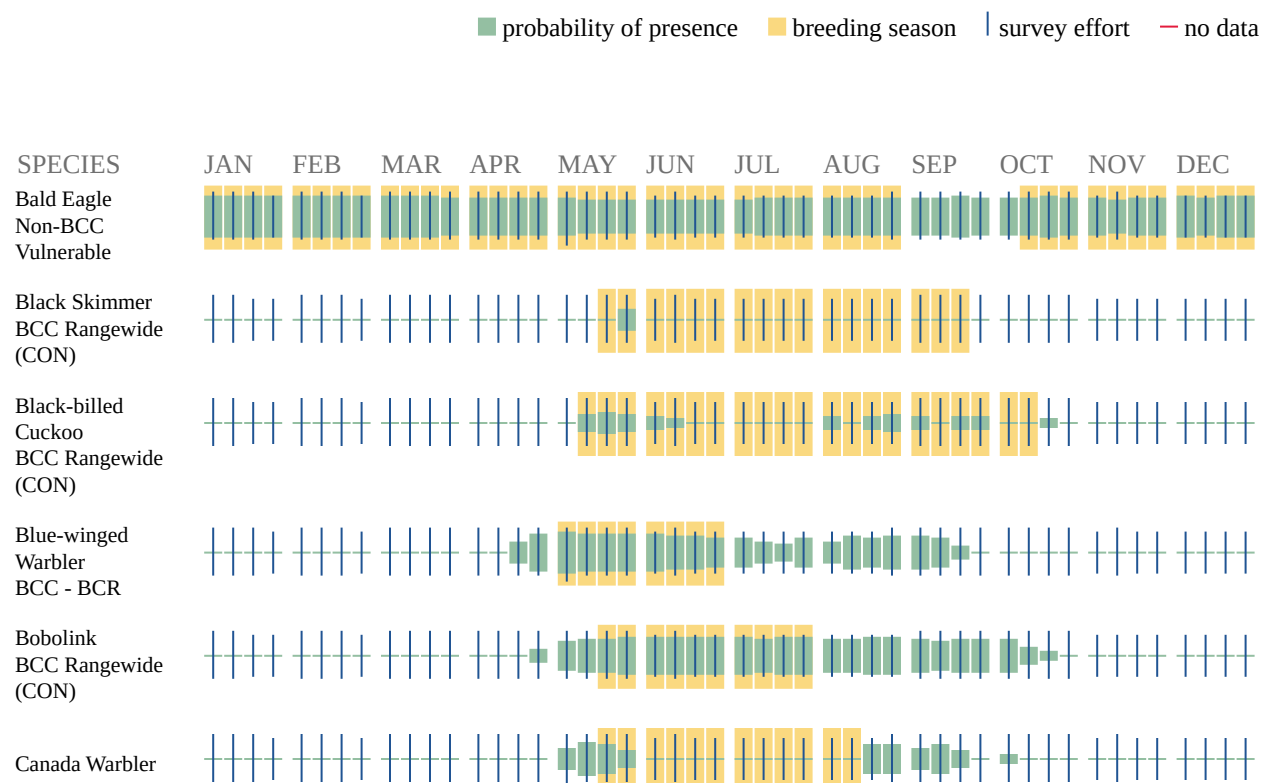
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

**No Data (—)**

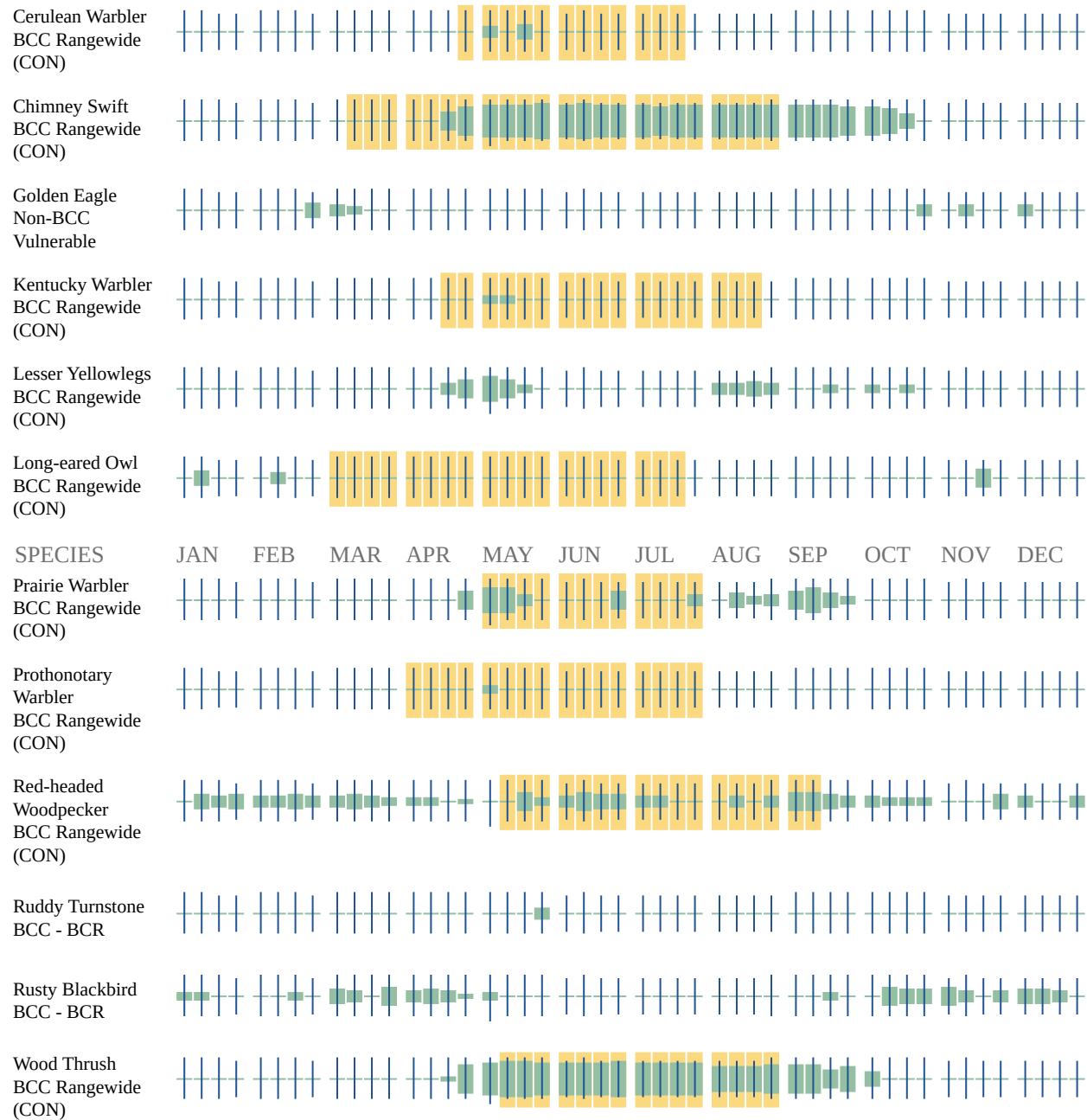
A week is marked as having no data if there were no survey events for that week.

## Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



BCC Rangewide  
(CON)



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

## Migratory Birds FAQ

**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

**What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

**How do I know if a bird is breeding, wintering or migrating in my area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point

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within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### **What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### **Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### **What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### **Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no

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data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

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## Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

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**IPaC User Contact Information**

Agency: TRC  
Name: Katie Conese  
Address: 404 Wyman Street  
Address Line 2: Suite 375  
City: Waltham  
State: MA  
Zip: 02451  
Email: kconese@trccompanies.com  
Phone: 7814197709

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## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385  
Phone: (607) 753-9334 Fax: (607) 753-9699  
Email Address: [fw5es\\_nyfo@fws.gov](mailto:fw5es_nyfo@fws.gov)

In Reply Refer To:

November 30, 2022

Project Code: 2023-0020095

Project Name: Champlain Hudson Power Express Tomkins Cove Laydown

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.**

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**Note:** IPaC has provided all available attachments because this project is in multiple field office jurisdictions.

Attachment(s):

- Official Species List
  - USFWS National Wildlife Refuges and Fish Hatcheries
  - Migratory Birds
  - Wetlands
-

## 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:

### **New York Ecological Services Field Office**

3817 Luker Road  
Cortland, NY 13045-9385  
(607) 753-9334

This project's location is within the jurisdiction of multiple offices. However, only one species list document will be provided for all offices. The species and critical habitats in this document reflect the aggregation of those that fall in each of the affiliated office's jurisdiction. Other offices affiliated with the project:

### **Long Island Ecological Services Field Office**

340 Smith Road  
Shirley, NY 11967-2258  
(631) 286-0485

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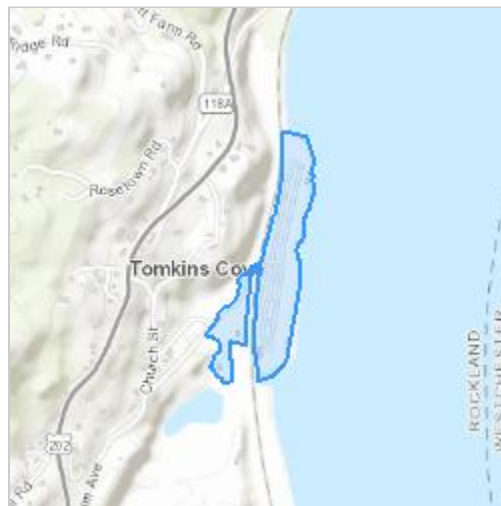
## Project Summary

Project Code: 2023-0020095  
Project Name: Champlain Hudson Power Express Tomkins Cove Laydown  
Project Type: Transmission Line - New Constr - Below Ground  
Project Description: Champlain Hudson Power Express, LLC (CHPE) is proposing to construct the Champlain Hudson Power Express project, an approximately 330-mile submarine and terrestrial High Voltage Direct Current (HVDC) transmission project that will connect clean power generated in Canada with New York City. As part of this project, CHPE is proposing to use contractor laydown yards.

For the Cementon and Congers segments, the Tomkins Cove laydown yard will be utilized as a contractor laydown yard. The site is an existing previously disturbed area adjacent to the Hudson River accessed via Elm Avenue and Spring Street in the town of Stony Point. The study area covers 18.24 acres, and the area of potential disturbance for the laydown yard will cover approximately 8 acres within the parcel.

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.2577098,-73.97897394482334,14z>



Counties: Rockland County, New York

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## 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 Fisheries<sup>1</sup>, 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.

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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     |
|--|------------|
| Indiana Bat <i>Myotis sodalis</i><br>There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a> | Endangered |
| Northern Long-eared Bat <i>Myotis septentrionalis</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>                                 | Threatened |

## Insects

| NAME   | STATUS    |
|--|-----------|
| Monarch Butterfly <i>Danaus plexippus</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a> | Candidate |

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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# USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

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# Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

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1. The [Migratory Birds Treaty Act](#) of 1918.
  2. The [Bald and Golden Eagle Protection Act](#) of 1940.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

**The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location.** To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

| NAME   | BREEDING SEASON         |
|--|-------------------------|
| <b>Bald Eagle <i>Haliaeetus leucocephalus</i></b><br>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. | Breeds Sep 1 to Aug 31  |
| <b>Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i></b><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br><a href="https://ecos.fws.gov/ecp/species/9399">https://ecos.fws.gov/ecp/species/9399</a>         | Breeds May 15 to Oct 10 |

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| NAME  | BREEDING SEASON         |
|---|-------------------------|
| <b>Black-capped Chickadee</b> <i>Poecile atricapillus praticus</i><br>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA   | Breeds Apr 10 to Jul 31 |
| <b>Canada Warbler</b> <i>Cardellina canadensis</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  | Breeds May 20 to Aug 10 |
| <b>Cerulean Warbler</b> <i>Dendroica cerulea</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br><a href="https://ecos.fws.gov/ecp/species/2974">https://ecos.fws.gov/ecp/species/2974</a> | Breeds Apr 27 to Jul 20 |
| <b>Chimney Swift</b> <i>Chaetura pelagica</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.   | Breeds Mar 15 to Aug 25 |
| <b>Kentucky Warbler</b> <i>Oporornis formosus</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.   | Breeds Apr 20 to Aug 20 |
| <b>Prairie Warbler</b> <i>Dendroica discolor</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  | Breeds May 1 to Jul 31  |
| <b>Rusty Blackbird</b> <i>Euphagus carolinus</i><br>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA   | Breeds elsewhere        |
| <b>Wood Thrush</b> <i>Hylocichla mustelina</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  | Breeds May 10 to Aug 31 |

## Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (|)

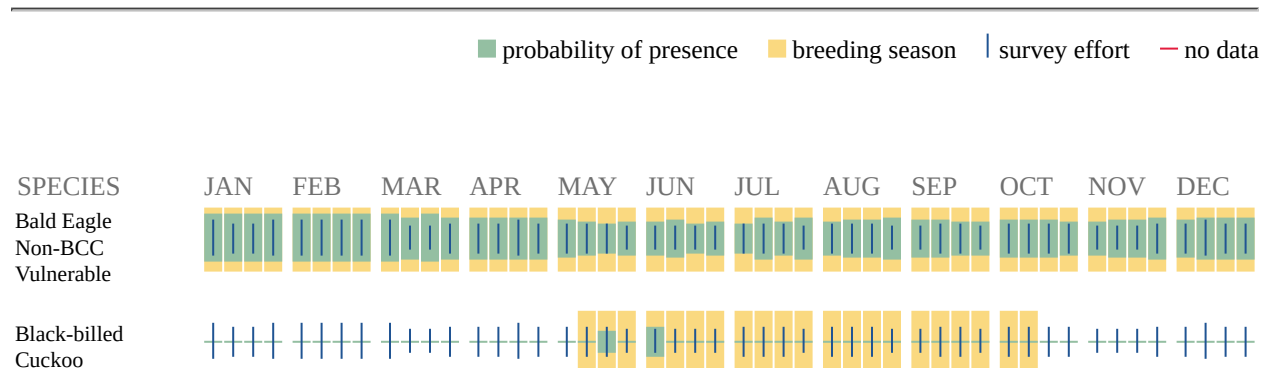
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

### No Data (—)

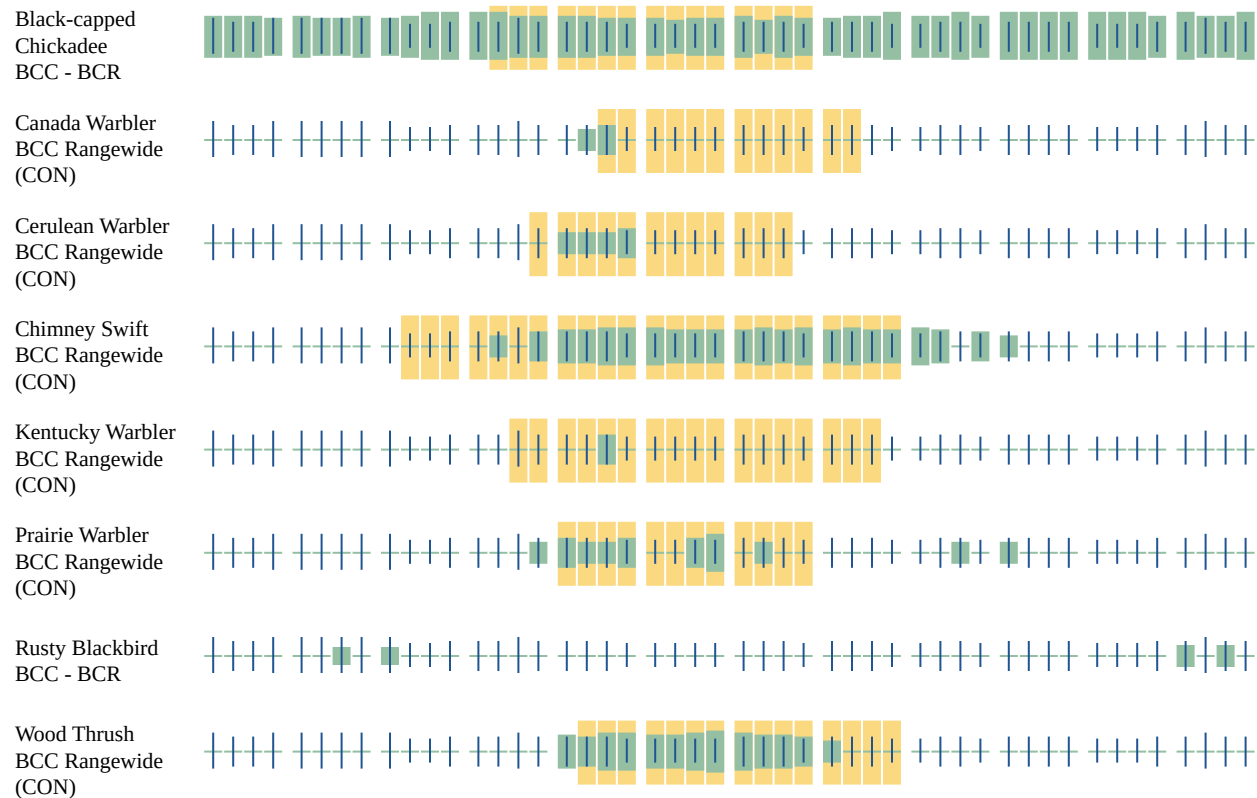
A week is marked as having no data if there were no survey events for that week.

### Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



### BCC Rangewide (CON)



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

## Migratory Birds FAQ

**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

**What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

**How do I know if a bird is breeding, wintering or migrating in my area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

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3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### **Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### **What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### **Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell

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me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

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# Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

ESTUARINE AND MARINE DEEPWATER

- [E1UBL6](#)
-



**IPaC User Contact Information**

Agency: TRC  
Name: Katie Conese  
Address: 404 Wyman Street  
Address Line 2: Suite 375  
City: Waltham  
State: MA  
Zip: 02451  
Email: kconese@trccompanies.com  
Phone: 7814197709

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## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program  
625 Broadway, Fifth Floor, Albany, NY 12233-4757  
P: (518) 402-8935 | F: (518) 402-8925  
[www.dec.ny.gov](http://www.dec.ny.gov)

January 13, 2023

Kate Conese  
TRC Companies  
404 Wyman Street, Suite 375  
Waltham, MA 02451

Re: Champlain Hudson Power Express (CHPE) Project – Putnam Station, Cementon, and  
Congers Transitional HDD Projects  
County: Greene, Rockland, Washington    Town/City: Catskill, Clarkstown, Putnam

Dear Kate Conese:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above projects.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur at or in the vicinity of the study areas.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Division of Environmental Permits.

Sincerely,



Nicholas Conrad  
Information Resources Coordinator  
New York Natural Heritage Program



**State-listed animals and significant natural communities  
documented in or in the vicinity of the CHPE HDD study areas.**

**For more information regarding animals listed by NYS as Endangered or Threatened, including any permit considerations, please contact the NYSDEC Division of Environmental Permits.**

**Putnam Station HDD Study Area**

**No records.**

**Putnam Station Laydown Yard Study Area**

| <i>COMMON NAME</i>                                    | <i>SCIENTIFIC NAME</i>        | <i>NY STATE LISTING</i> | <i>FEDERAL LISTING</i>             |       |
|---|-------------------------------|-------------------------|------------------------------------|-------|
| <b>Northern Long-eared Bat</b><br><i>Hibernaculum</i> | <i>Myotis septentrionalis</i> | Threatened              | Threatened,<br>Proposed Endangered | 14164 |

Documented within four miles of the study area. Individual animals may travel five miles from documented locations.

**Cementon HDD Study Area**

| <i>COMMON NAME</i>        | <i>SCIENTIFIC NAME</i>        | <i>NY STATE LISTING</i> | <i>FEDERAL LISTING</i> |       |
|---------------------------|-------------------------------|-------------------------|------------------------|-------|
| <b>Shortnose Sturgeon</b> | <i>Acipenser brevirostrum</i> | Endangered              | Endangered             | 1091  |
| <b>Atlantic Sturgeon</b>  | <i>Acipenser oxyrinchus</i>   | No Open Season          | Endangered             | 11464 |

The study area is also near a section of the Hudson River, Germantown Clermont Flats, that is a significant Anadromous Fish Concentration Area and Waterfowl Winter Concentration Area.

Several nests in the vicinity of the study area:

|                                      |                                 |            |  |       |
|--------------------------------------|---------------------------------|------------|--|-------|
| <b>Bald Eagle</b><br><i>Breeding</i> | <i>Haliaeetus leucocephalus</i> | Threatened |  | 13820 |
|--------------------------------------|---------------------------------|------------|--|-------|

**Congers HDD Study Area**

| <i>COMMON NAME</i>        | <i>SCIENTIFIC NAME</i>        | <i>NY STATE LISTING</i> | <i>FEDERAL LISTING</i> |       |
|---------------------------|-------------------------------|-------------------------|------------------------|-------|
| <b>Shortnose Sturgeon</b> | <i>Acipenser brevirostrum</i> | Endangered              | Endangered             | 1091  |
| <b>Atlantic Sturgeon</b>  | <i>Acipenser oxyrinchus</i>   | No Open Season          | Endangered             | 11464 |

Nesting in the vicinity of the study area:

|                                      |                                 |            |  |       |
|--------------------------------------|---------------------------------|------------|--|-------|
| <b>Bald Eagle</b><br><i>Breeding</i> | <i>Haliaeetus leucocephalus</i> | Threatened |  | 14132 |
|--------------------------------------|---------------------------------|------------|--|-------|

Adjacent to the east side of the study area:

**Oak-Tulip Tree Forest**

3150

Rare community type: A mature forest of moderate size with several nice, large tree patches within a large natural landscape.

## Tompkins Cove Laydown Yard Study Area

| COMMON NAME   | SCIENTIFIC NAME                 | NY STATE LISTING | FEDERAL LISTING                    |       |
|---|---------------------------------|------------------|------------------------------------|-------|
| Hudson River:   |                                 |                  |                                    |       |
| <b>Shortnose Sturgeon</b>   | <i>Acipenser brevirostrum</i>   | Endangered       | Endangered                         | 1091  |
| <b>Atlantic Sturgeon</b>  | <i>Acipenser oxyrinchus</i>     | No Open Season   | Endangered                         | 11464 |
| Nesting in the vicinity of the study area, and wintering along Hudson River adjacent to study area:                 |                                 |                  |                                    |       |
| <b>Bald Eagle</b><br><i>Breeding, Nonbreeding</i>   | <i>Haliaeetus leucocephalus</i> | Threatened       |                                    | 17149 |
| Documented in the vicinity of the study area:   |                                 |                  |                                    |       |
| <b>Timber Rattlesnake</b>   | <i>Crotalus horridus</i>        | Threatened       |                                    | 4273  |
| Documented within five miles of the study area. Individual animals may travel five miles from documented locations. |                                 |                  |                                    |       |
| <b>Northern Long-eared Bat</b><br><i>Hibernaculum</i>   | <i>Myotis septentrionalis</i>   | Threatened       | Threatened,<br>Proposed Endangered | 14126 |

This report only includes records from the NY Natural Heritage database.

Information about many of the rare species and natural community types in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), and from NYSDEC at [www.dec.ny.gov/animals/7494.html](http://www.dec.ny.gov/animals/7494.html).

# Cementon Bald Eagle Nest



0 330 660 Feet

**Laura Darling**

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**From:** Laura Darling  
**Sent:** Wednesday, October 19, 2022 10:07 PM  
**To:** Smith, Matthew (DPS); Maraglio, Matthew (DOS); sita.crounse; Behnke, Heather (DPS); Rahm, Patrick J (DEC); Gaidasz, Karen M (DEC); Drexler, David (DPS); Craig.Michaels@apa.ny.gov  
**Cc:** Josh.Bagnato; dave.albers  
**Subject:** Case 10-T-0139, 3 Transitional HDDs Wetland Delineation Report and Waterbody Inventory

DPS, DEC and DOS Staffs,

Pursuant to Certificate Conditions 113(a) and 114(a), below is a link to the Wetland Delineation Reports for the three Remaining Transitional HDDs of the Champlain Hudson Power Express (CHPE) transmission line (Putnam Station, Cementon and Congers), including shapefiles. These conditions require that, at least 30 days prior to filing of a proposed segment Environmental Management and Construction Plan (EM&CP), the Certificate Holder must share these documents with DPS, DEC and DOS. One of these transitional HDDs (Putnam Station) is located in the Adirondack Park, therefore the APA is also included in this distribution.

The geographic scope of the three Transitional HDD Segment EM&CP involves transitional HDDs connecting land segments with segments in Lake Champlain and the Hudson River at three locations in the Town of Putnam, Washington County (Putnam Station), Town of Catskill, Greene County (Cementon) and Town of Clarkstown, Rockland County (Congers). We anticipate filing the EM&CP for this segment on **December 1, 2022**.

The report and related shapefiles can be accessed here:

 [CHPE Transitional HDDs \(Congers, Cementon, Putnam Station\) Wetland and Waterbody Reports](#)

Please feel free to reach out with any questions, or if you have difficulty accessing the documents.

Sincerely,

Laura Bomyea Darling  
Associate Attorney

**Young / Sommer LLC**

ATTORNEYS AT LAW

office: 518.438.9907 Ext. 249

fax: 518.438.9914

[ldarling@youngsommer.com](mailto:ldarling@youngsommer.com)

Executive Woods, Five Palisades Drive, Albany, NY 12205

[www.youngsommer.com](http://www.youngsommer.com)

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**Parks, Recreation,  
and Historic Preservation**

**ANDREW M. CUOMO**  
Governor

**ERIK KULLESEID**  
Commissioner

May 5, 2020

Mr. Andrew Davis  
NYS Department of Public Works  
#3 Empire State Plaza  
Albany, NY 12223

Re: CORPS, PSC  
Champlain Hudson Power Express/TDI/Underwater HVdc Transmission Line  
*Catskill, Fort Ann, Putnam Station, Rockland County, Schenectady and Selkirk Yard  
Preferred Alternative Routes*  
09PR03910

Dear Mr. Davis:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the April 24, 2020 *Revised Phase IA Archaeological Assessment of the Champlain-Hudson Alternative Routes, New York*, prepared by TRC, in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

Based on this review, the SHPO has no further comments on this report and concurs that archaeological testing is not warranted for the Catskill, Fort Ann, Putnam Station, Rockland County, Schenectady and Selkirk Yard Preferred Alternative Routes.

If you have any questions, I can be reached at [nancy.herter@parks.ny.gov](mailto:nancy.herter@parks.ny.gov).

Sincerely,

A handwritten signature in black ink that reads "Nancy Herter".

Nancy Herter  
Archaeology Unit Program Coordinator



**New York State  
Parks, Recreation and  
Historic Preservation**

**KATHY HOCHUL**  
Governor

**ERIK KULLESEID**  
Commissioner

October 14, 2022

Sean Murphy  
Senior Project Manager  
VHB  
500 Southborough Drive  
Suite 105B  
South Portland, ME 04106-6928

Re: DOE  
Champlain Hudson Power Express/TDI/Underwater HVdc Transmission Line  
**Cementon and Congers HDD Pit Locations**  
09PR03910

Dear Sean Murphy:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

SHPO has reviewed TRC's evaluation of the project's Area of Potential Effects (APE) for the Cementon and Congers HDD pit locations (September 2022). SHPO has no archaeological concerns for the Cementon and Congers HDD pit locations. No archaeological survey is warranted for either location.

It is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be Adversely Affected by this undertaking at the Cementon and Congers HDD pit locations. If you have any questions, I can be reached at

[Jessica.Schreyer@parks.ny.gov](mailto:Jessica.Schreyer@parks.ny.gov).

Sincerely,

Jessica Schreyer  
Scientist Archaeology