

Appendix M. Agency Correspondence

**DPS, DEC, and DOS Correspondence
NYSOPRHP Correspondence
NYNHP Correspondence
USFWS Correspondence**

DPS, DEC, and DOS Correspondence

Laura Darling

From: Laura Darling
Sent: Wednesday, June 8, 2022 8:19 PM
To: Smith, Matthew (DPS); Behnke, Heather (DPS); sita.crounse; Drexler, David (DPS); Maraglio, Matthew (DOS); Corey.Strub; karen.gaidasz@dec.ny.gov
Cc: Josh.Bagnato; Ayokunle KAFI; Michael Main
Subject: Case 10-T-0139, CHPE Stony Point HDD Wetland Delineation Report and Waterbody Inventory

Dear DPS, DEC, and DOS Staff,

Pursuant to Certificate Conditions 113(a) and 114(a), below is a link to files included in the Wetland Delineation Report for the Stony Point HDD Segment of the Champlain Hudson Power Express (CHPE) transmission line, 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. This segment is not located in the Adirondack Park, therefore the APA is not included in this distribution.

The geographic scope of the Stony Point HDD Segment involves a transitional HDD connecting land segments with segments in the Hudson River at one location in the Town of Stony Point. We anticipate filing the EM&CP for this segment in **July 2022**.

The report and related shapefiles can be accessed here:

<https://youngsommer.sharepoint.com/:f:/r/sites/CHPEEMCPs/Shared%20Documents/CHPE%20Stony%20Point%20Transitional%20HDD%20Wetland%20and%20Waterbody%20Report?csf=1&web=1&e=jQ4Xbq>

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
Executive Woods, Five Palisades Drive, Albany, NY 12205
www.youngsommer.com

This e-mail is sent by a law firm and may contain information that is privileged or confidential. If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.

NYSOPRHP Correspondence



1356 Washington St, Suite A
Bath, ME 04530

T. 207-215-2872

May 31, 2022

Nancy Herter, State Archaeologist
New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island Resource Center, PO Box 189
Waterford, NY 12188-0189

RE: Updated Information on the Champlain Hudson Power Express (CHPE) Project, Stony Point HDD in the Town of Stony Point, Rockland County, New York (Project Review: 09PR03910)

Dear Dr. Herter:

The Champlain Hudson Power Express project is 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, LLC is proposing to construct the Stony Point Horizontal Directional Drill (HDD) to facilitate installing the cables from the Hudson River into the Town of Stony Point in Rockland County, New York. (Figure 1). The Stony Point HDD will be located on a parcel of land located on the west side of the Hudson River immediately south of the Tomkins Cove Quarry and immediately north of the Stony Point Battlefield State Park (Figure 1). The parcel covers 390 acres, and the area of potential effect (APE) for the HDD will cover approximately 1.02 acres within the parcel and includes the access road easement, and HDD pad (Figure 2 and Attached Project Plans). In 2020 TRC completed a Phase IA assessment that include a portion of this APE (Larlee and Will, 2020). The 50 ft transmission line route APE relied upon in the 2020 Phase IA report is shown in light blue on Figure 2.

TRC completed an updated Phase IA assessment of the Stony Point HDD APE using soils data, historic map and aerial images, and a review of data available on the National Park Service (NPS), National Register of Historic Places (NRHP), and the Office of Parks Recreation and Historic Preservation (OPRHP) Cultural Resource Information System (CRIS) websites. The results of this assessment are presented here.

The Natural Resource Conservation Service (NRCS) has identified five (4) soil units within the Project APE (Table 1; Figure 3): Charlton-Rock outcrop complex, hilly, 10-30% slopes (CkD); Chatfield-Rock outcrop complex, hilly, 10-30% slopes (CoD); pits and quarry (Pv); and Udorthents, refuse substratum (Ur). As the mapped soil units show, the majority of Project APE falls within an area that has been previously disturbed by quarry activities. The remaining portions of the Project APE are steeply sloped.

Table 1. NRCS mapped soil units within the Project area.

Map Unit Symbol	Map Unit Name	Typical Profile	Characteristics
CkD	Charlton-Rock outcrop complex, hilly	H1 - 0 to 5 in: fine sandy loam H2 - 5 to 38 in: gravelly loam H3 - 38 to 60 in: v. gravelly sandy loam	Parent Material: Acid loamy till Slope: 10-30% Natural drainage class: Well drained
CoD	Chatfield-Rock outcrop complex, hilly	H1 - 0 to 9 in: gravelly sandy loam H2 - 9 to 25 in: gravelly sandy loam H3 - 25 to 35 in: unweathered bedrock	Parent Material: Loamy till Slope: 10-30% Natural drainage class: Well drained
Pv	Pits, quarry	H1 - 0 to 60 in: unweathered bedrock	Slope: 0-5% Depth to restrictive feature: 0 in. to lithic bedrock
Ur	Udorthents, refuse substratum	H1 - 0 to 24 in: gravelly loam H2 - 24 to 70 in: variable	Slope: 0-8% Natural drainage class: Well drained

A review of historic aerial images provided additional evidence of previous disturbance of the Project APE. The 1953 aerial image shows extensive clearing and road construction throughout the entire Project APE (Figure 4). The 1984 aerial image shows some areas reforested and additional impacts from quarry activities along the northern section of the parcel and Project APE (Figure 5).

A review of Cultural Resource Information System (CRIS) conducted in May 2022 showed, there is one (1) OPRHP archaeological site, Stony Point Battlefield Historic Site 1 (08705.000137) and six (6) previously recorded New York State Museum (NYSM) archaeological areas located within 1 km of the Project APE (Table 2). These sites are related to both Precontact period and Historic period occupation of the area. In addition, CRIS lists 30 inventoried historic structures and three (3) previous archaeological surveys including Larlee and Will (2020) that have been completed within 1 km of the Project APE.


Larlee and Will (2020) noted that the above data provides evidence that the west side of the Hudson River south of a large quarry and north of Stony Point State Park is culturally sensitive for archaeological resources. However, they did not recommend additional walkover survey or fieldwork because *the HDD pad/boring will be a minimum of 350 feet to the southwest of the shoreline* (Larlee and Will 2020:43). NYSHPO concurred with this recommendation in a letter dated May 5, 2020. The current HDD pad is located approximately 1800 ft from the shoreline and the HDD pad and associated access easement are located in an area that has been previously disturbed by quarry and road construction. Therefore, although the size of the Project APE is larger than the 50 ft APE described in Larlee and Will 2020, their conclusion stands and we recommend no further archaeological evaluation of the current Project APE.

Table 2. Archaeological sites located within 1 km of the Project.

OPRHP # or NYSM LP Site#	Name	Distance to APE	Period(s)	NRHP Status
08705.000137	Stony Point Battlefield Historic Site 1	0.7 km southeast	Historic - 1779	Undetermined
NYSM 597	Stony Point Park	0.8 km east	Historic	Eligible
NYSM 4631	ACP Rock 1A, 1B, and 1C (village, camp, shell midden)	0.1 km northeast	Precontact	Undetermined
NYSM 4632	ACP Rock 2 (camp)	0.6 km east	Precontact	Undetermined
NYSM 7461	Rock shelter	0.2 km east	Precontact – Middle Woodland	Undetermined
NYSM 7817	ACP Rock (traces)	0.6 km north	Precontact	Undetermined
NYSM 7819	ACP Rock # (camp)	0.8 km west	Precontact	Undetermined

TRC looks forward to receiving your review of this information. Should you have any questions or require additional information, please do not hesitate to contact me at (207) 215-2872, or kemack@trccompanies.com.

Sincerely yours,



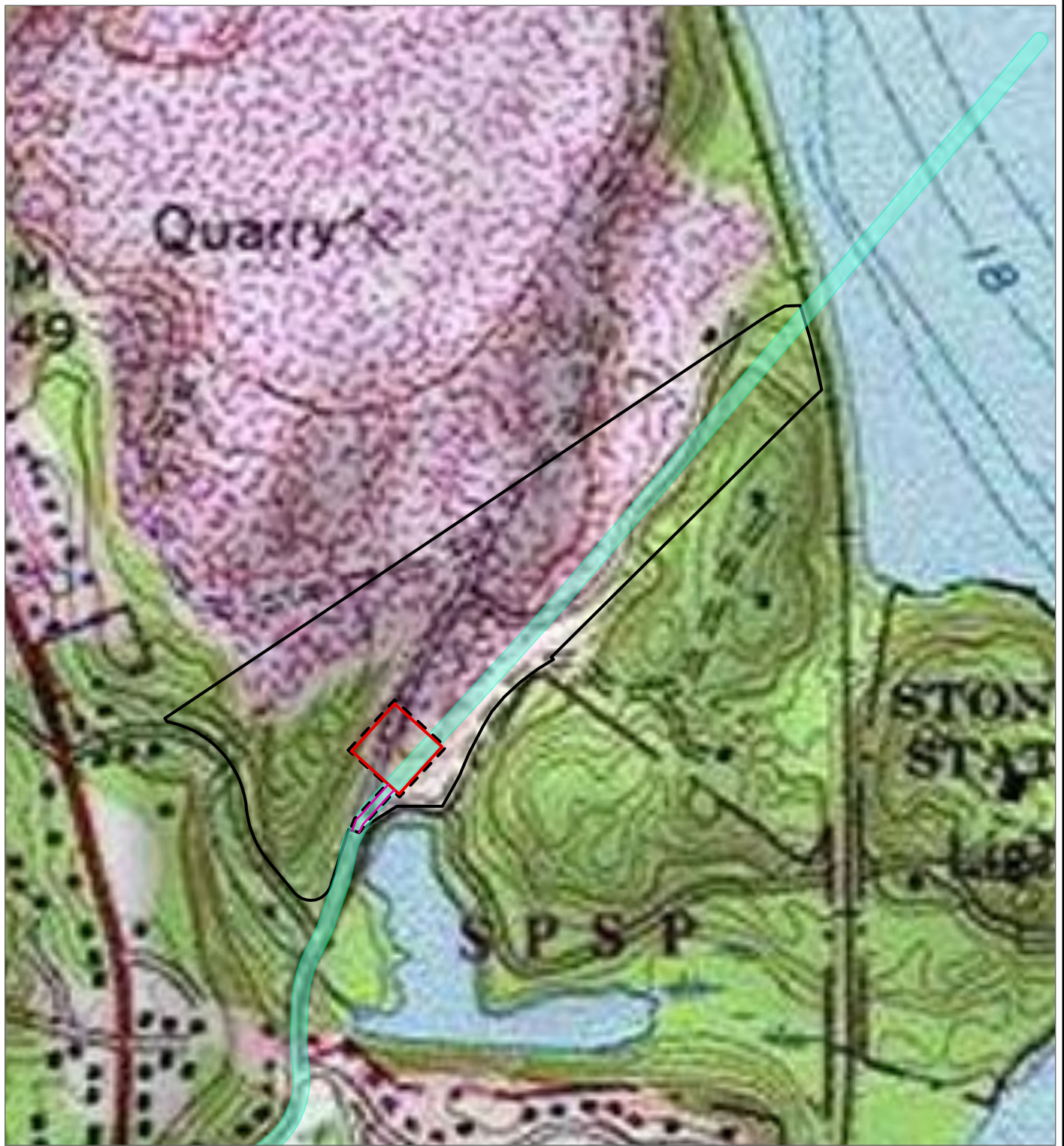
Karen E. Mack,
Operations Manager, Principal Investigator

Enc. Figures 1 – 5, Project Plans

Reference:

Larlee, Jennifer and Richard Will
2020 Phase IA Archaeological Assessment of the Champlain-Hudson Alternative Routes, New York (09PR03910)

COORDINATE SYSTEM: NAD 1983 2011 STATEPLANE NEW YORK EAST FIPS 3101 FT US. MAP ROTATION: 0
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	PARCEL BOUNDARY
	HDD PAD
	ACCESS ROAD EASEMENT
	HVDC TRANSMISSION LINE ROUTE
	APE

BASE MAP: USGS COLOR ORTHO IMAGERY
DATA SOURCES: TRC

0 250 500
FEET
1:5,427 1" = 452'

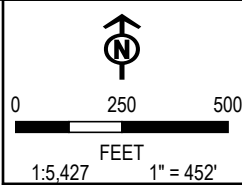
PROJECT: CHAMPLAIN HUDSON POWER EXPRESS STONY POINT HDD	
TITLE: PROJECT LOCATION	
DRAWN BY: ABBIE YOUNG	PROJ. NO.: 000000
CHECKED BY: KAREN MACK	FIGURE 1
APPROVED BY: KAREN MACK	
DATE: MAY 2022	
1356 WASHINGTON STREET SUITE A BATH, ME 04530	
FILE:	STONY POINT

COORDINATE SYSTEM: NAD 1983 2011 STATEPLANE NEW YORK EAST FIPS 3101 FT US. MAP ROTATION: 0
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- PARCEL BOUNDARY
- HDD PAD
- ACCESS ROAD EASEMENT
- HVDC TRANSMISSION LINE ROUTE
- APE

BASE MAP: USGS COLOR ORTHO IMAGERY
DATA SOURCES: TRC



PROJECT:
**CHAMPLAIN HUDSON POWER EXPRESS
STONY POINT HDD**

TITLE:
PROJECT LOCATION

DRAWN BY:	ABBIE YOUNG	PROJ. NO.:	000000
CHECKED BY:	KAREN MACK	FIGURE 2	
APPROVED BY:	KAREN MACK		
DATE:	MAY 2022		












1356 WASHINGTON STREET
SUITE A
BATH, ME 04530

FILE: STONY POINT

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 PARCEL BOUNDARY  SOILS  HDD PAD  ACCESS ROAD EASEMENT  HVDC TRANSMISSION LINE ROUTE  APE	 0 250 500 FEET 1:5,427 1" = 452' 	PROJECT: CHAMPLAIN HUDSON POWER EXPRESS STONY POINT HDD	
		TITLE: SOILS	
DRAWN BY: ABBIE YOUNG		PROJ. NO.: 000000	
CHECKED BY: KAREN MACK		FIGURE 3	
APPROVED BY: KAREN MACK			
DATE: MAY 2022			
BASE MAP: USGS COLOR ORTHO IMAGERY DATA SOURCES: TRC		 1356 WASHINGTON STREET SUITE A BATH, ME 04530	
		FILE: STONY POINT	

COORDINATE SYSTEM: NAD 1983 2011 STATEPLANE NEW YORK EAST FIPS 3101 FT US. MAP ROTATION: 0
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	PARCEL BOUNDARY
	HDD PAD
	ECI_CASING
	ACCESS ROAD EASEMENT
	HVDC TRANSMISSION LINE ROUTE

BASE MAP: USGS COLOR ORTHO IMAGERY
DATA SOURCES: TRC

0 250 500
FEET
1:5,427 1" = 452'

PROJECT: CHAMPLAIN HUDSON POWER EXPRESS STONY POINT HDD	
TITLE: 1953 AERIAL IMAGE	
DRAWN BY: ABBIE YOUNG	PROJ. NO.: 000000
CHECKED BY: KAREN MACK	FIGURE 4
APPROVED BY: KAREN MACK	
DATE: MAY 2022	
1356 WASHINGTON STREET SUITE A BATH, ME 04530	
FILE:	STONY POINT

COORDINATE SYSTEM: NAD 1983 2011 STATEPLANE NEW YORK EAST FIPS 3101 FT US. MAP ROTATION: 0
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	PARCEL BOUNDARY
	HDD PAD
	ECI_CASING
	ACCESS ROAD EASEMENT
	HVDC TRANSMISSION LINE ROUTE

BASE MAP: USGS COLOR ORTHO IMAGERY
DATA SOURCES: TRC

0 250 500
FEET
1:5,427 1" = 452'

PROJECT: CHAMPLAIN HUDSON POWER EXPRESS STONY POINT HDD	
TITLE: 1984 AERIAL IMAGE	
DRAWN BY: ABBIE YOUNG	PROJ. NO.: 000000
CHECKED BY: KAREN MACK	FIGURE 5
APPROVED BY: KAREN MACK	
DATE: MAY 2022	
1356 WASHINGTON STREET SUITE A BATH, ME 04530	
FILE:	STONY POINT



Parks, Recreation, and Historic Preservation

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

June 07, 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
09PR03910

Dear Sean Murphy:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials 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 State Environmental Conservation Law Article 8).

OPRHP has reviewed the Phase IA Archaeological Survey letter for the Stony Point Horizontal Directional Drill (HDD) location, a part of the larger Champlain Hudson Power Express/TDI/Underwater HVDC Transmission Line project (09PR03910) prepared by TRC, Consulting Archaeologist (May 31, 2022). Based upon this review, the SHPO concurs that no Phase IB archaeological investigation is warranted due to the presence of disturbed soils and the low archeological sensitivity of the project area.

If further correspondence is required regarding this project, please refer to the SHPO Project Review (PR) number noted above. If you have any questions, please contact me via email.

Sincerely,

A handwritten signature in cursive script that reads "Brad Russell".

Bradley W. Russell, Ph.D.
Historic Preservation Specialist - Archaeology
bradley.russell@parks.ny.gov

via e-mail only

NYNHP Correspondence



404 Wyman Street, Suite 375, Waltham, Massachusetts 02451 • 781.419.7696
10 Hemingway Drive, 2nd Floor, East Providence, Rhode Island 02915 • 401.434.5560

environmental consulting & engineering services

June 7, 2022

NY Natural Heritage Program – Information Services
NYS DEC
625 Broadway, 5th Floor
Albany, NY 12233-4757

**Re: Champlain Hudson Power Express (CHPE) Project – Stony Point Transitional HDD Project
Stony Point, Rockland County, New York**

Dear Sir or Madam,

Champlain Hudson Power Express, LLC 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, LLC is proposing to install conduits in the Stony Point Transitional Horizontal Directional Drill (HDD) Project site to facilitate the submarine cable transition from the Hudson River to land cable for the overland route (Figure 1). The Stony Point Transitional HDD Project will be located on a parcel of land on the west side of the Hudson River immediately south of the Tomkins Cove Quarry and immediately north of the Stony Point Battlefield State Park (Figure 1). The HDD corridor travels northeast with a marine exit in the Hudson River. The study area covers 27.5 acres, and the area of potential disturbance for the HDD will cover approximately 1.02 acres within the parcel and includes the access road easement, and HDD pad.

On behalf of CHPE, LLC, ESS Group, LLC respectfully requests information regarding the occurrence and distribution of state- and federally listed endangered and threatened species and their habitats occurring within or immediately adjacent to the Project Area.

The requested information is necessary to prepare the Environmental Management and Construction Plan (EM&CP) for the Project in conformance with the requirements of the New York State Endangered Species Act and its implementing regulations (6 NYCRR Part 182), the Federal Coastal Zone Management Act, the New York State Coastal Zone Management Program, and regulations promulgated under the Waterfront Revitalization and Coastal Resources Act (19 NYCRR Part 600).

Please do not hesitate to contact me at (401) 330-1246 with any questions. Thank you in advance for your assistance.

Sincerely,

ESS Group, LLC (ESS), A TRC Company,

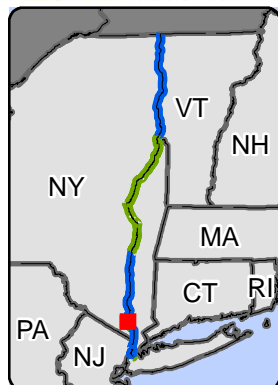
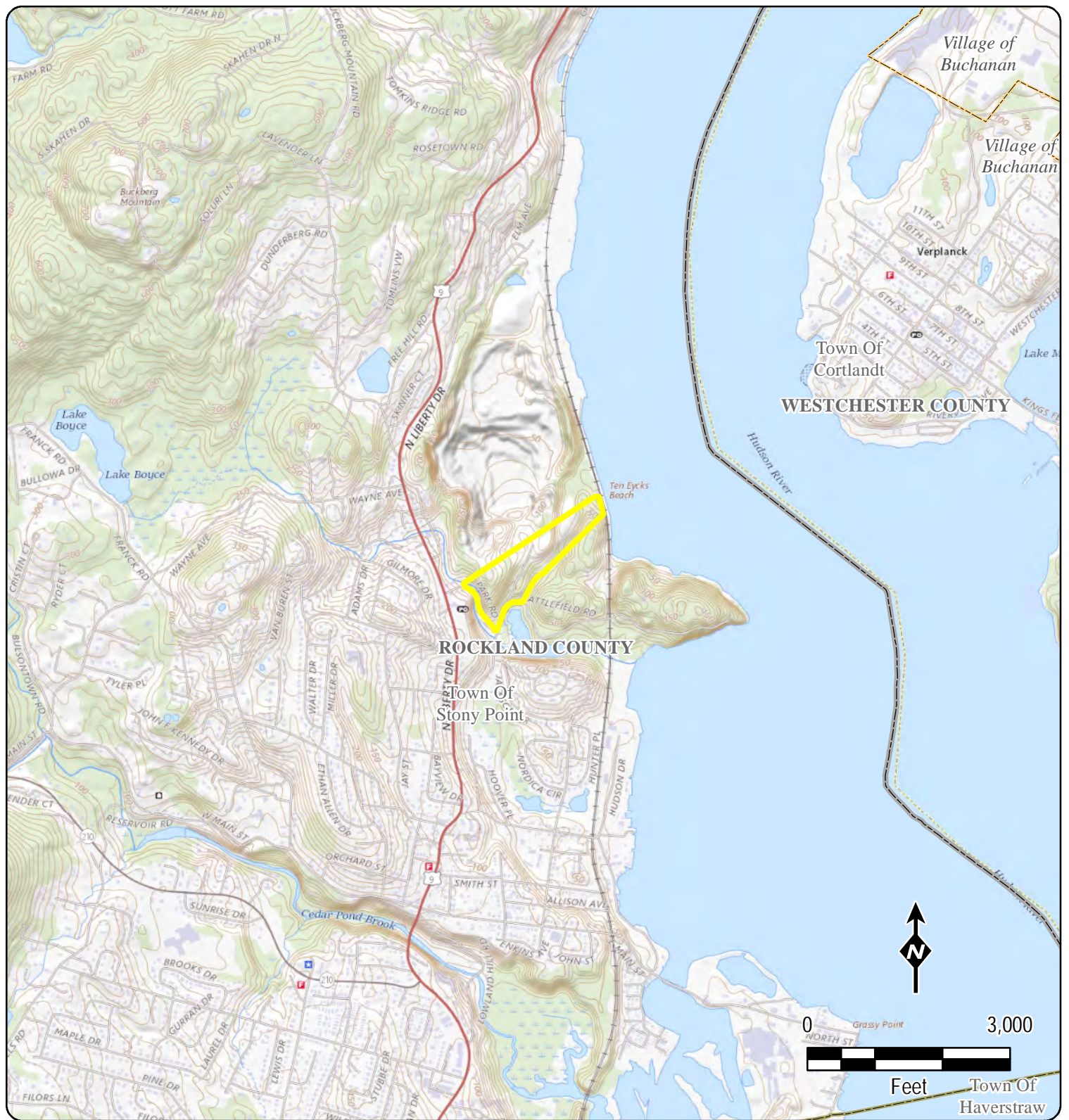
Stephanie L. Martin
Environmental Scientist



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TRCcompanies.com  **TRC**

www.essgroup.com in   



Legend

- Survey Area
- County
- City / Town
- Village

TRC

CHAMPLAIN HUDSON POWER EXPRESS
Stony Point HDD

Figure 1
Site Location

Created: 6/3/2022

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

July 26, 2022

Stephanie L. Martin
ESS Group, LLC - A TRC Company
10 Hemingway Drive, 2nd Floor
East Providence, RI 02915

Re: Champlain Hudson Power Express (CHPE) - Stony Point Transitional Horizontal
Directional Drill (HDD) Project
County: Rockland Town/City: Stony Point

Dear Stephanie L. Martin:

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

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

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 Region 3 Office, Division of Environmental Permits, at dep.r3@dec.ny.gov.

Sincerely,



Heidi Krahling
Environmental Review Specialist
New York Natural Heritage Program



**The following state-listed animals have been documented
in the vicinity of the project site.**

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed.

For information about any permit considerations for the project, please contact the NYSDEC Region 3 Office, Department of Environmental Permits, at dep.r3@dec.ny.gov, (845) 256-3054.

The following species has been documented nesting within 100 yards of the project site; wintering within 200 yards.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING
Birds			
Bald Eagle <i>Breeding and Nonbreeding</i>	<i>Haliaeetus leucocephalus</i>	Threatened	12957 965 43

The following species have been documented in the lower Hudson River and so could occur in the vicinity of the project site.

Fish			
Shortnose Sturgeon	<i>Acipenser brevirostrum</i>	Endangered	Endangered 1091
Atlantic Sturgeon	<i>Acipenser oxyrinchus</i>	No Open Season	Endangered 11464

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

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, and from NYSDEC at www.dec.ny.gov/animals/7494.html.



**The following rare plants and rare animals have
historical records
at your project site, or in its vicinity.**

The following rare plants and animals were documented in the vicinity of the project site at one time, but have not been documented there since 1979 or earlier, and/or there is uncertainty regarding their continued presence. There is no recent information on these plants and animals in the vicinity of the project site and their current status there is unknown. In most cases the precise location of the plant or animal in this vicinity at the time it was last documented is also unknown.

If suitable habitat for these plants or animals is present in the vicinity of the project site, it is possible that they may still occur there. We recommend that any field surveys to the site include a search for these species, particularly at sites that are currently undeveloped and may still contain suitable habitat.

COMMON NAME	SCIENTIFIC NAME	NYS LISTING	HERITAGE CONSERVATION STATUS
Vascular Plants			
Wild Potato Vine	<i>Ipomoea pandurata</i>	Endangered	Critically Imperiled in NYS

1968-09-02: An area bordering a quarry.

7650

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. 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.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, from NatureServe Explorer at www.natureserve.org/explorer, and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

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

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

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

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

Cementon HDD Study Area

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING	
Shortnose Sturgeon	<i>Acipenser brevirostrum</i>	Endangered	Endangered	1091
Atlantic Sturgeon	<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:

Bald Eagle <i>Breeding</i>	<i>Haliaeetus leucocephalus</i>	Threatened		13820
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Congers HDD Study Area

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

Nesting in the vicinity of the study area:

Bald Eagle <i>Breeding</i>	<i>Haliaeetus leucocephalus</i>	Threatened		14132
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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:				
Shortnose Sturgeon	<i>Acipenser brevirostrum</i>	Endangered	Endangered	1091
Atlantic Sturgeon	<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:				
Bald Eagle <i>Breeding, Nonbreeding</i>	<i>Haliaeetus leucocephalus</i>	Threatened		17149
Documented in the vicinity of the study area:				
Timber Rattlesnake	<i>Crotalus horridus</i>	Threatened		4273
Documented within five miles of the study area. Individual animals may travel five miles from documented locations.				
Northern Long-eared Bat <i>Hibernaculum</i>	<i>Myotis septentrionalis</i>	Threatened	Threatened, 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, and from NYSDEC at www.dec.ny.gov/animals/7494.html.

USFWS Correspondence



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



In Reply Refer To:

September 26, 2022

Project Code: 2022-0049330

Project Name: Champlain Hudson Power Express Stony Point 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.**

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

Project Summary

Project Code: 2022-0049330

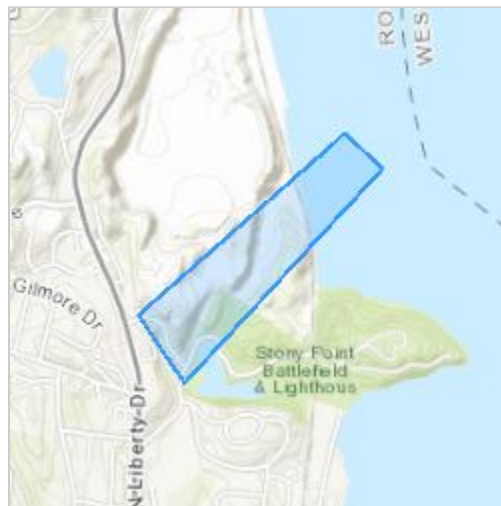
Project Name: Champlain Hudson Power Express Stony Point Horizontal Directional Drill

Project Type: Transmission Line - New Constr - Below Ground

Project Description: The Champlain Hudson Power Express project is 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, LLC is proposing to construct the Stony Point Horizontal Directional Drill (HDD) to facilitate installing the cables from the Hudson River into the Town of Stony Point in Rockland County, New York. The Stony Point HDD will be located on a parcel of land located on the west side of the Hudson River immediately south of the Tomkins Cove Quarry and immediately north of the Stony Point Battlefield State Park. The parcel covers 390 acres, and the area of disturbance for the HDD will cover approximately 1.02 acres within the parcel and includes the access road easement, and HDD pad.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.24449385,-73.97964694198998,14z>



Counties: Rockland County, New York

Endangered Species Act Species

There is a total of 1 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 Fisheries¹, 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.

Insects

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

Critical habitats

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

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.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

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
Bald Eagle <i>Haliaeetus leucocephalus</i> 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. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Aug 31
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10

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

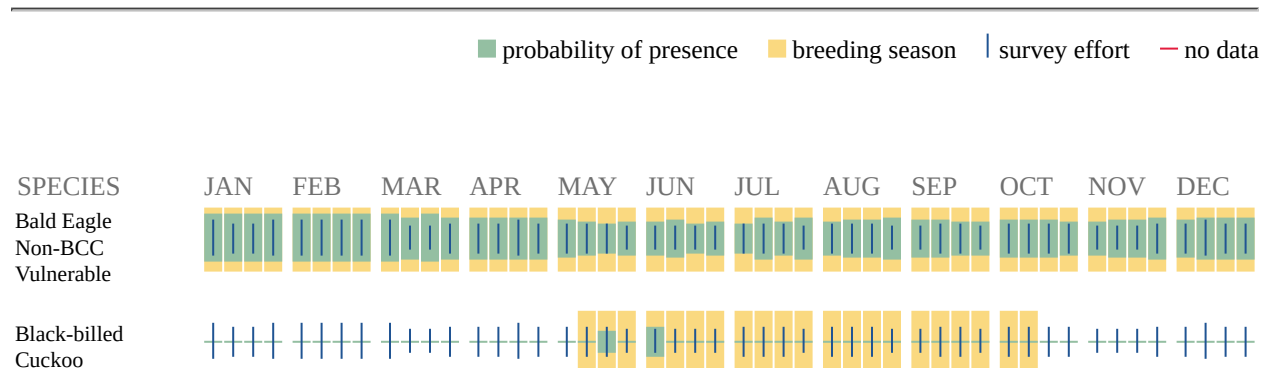
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

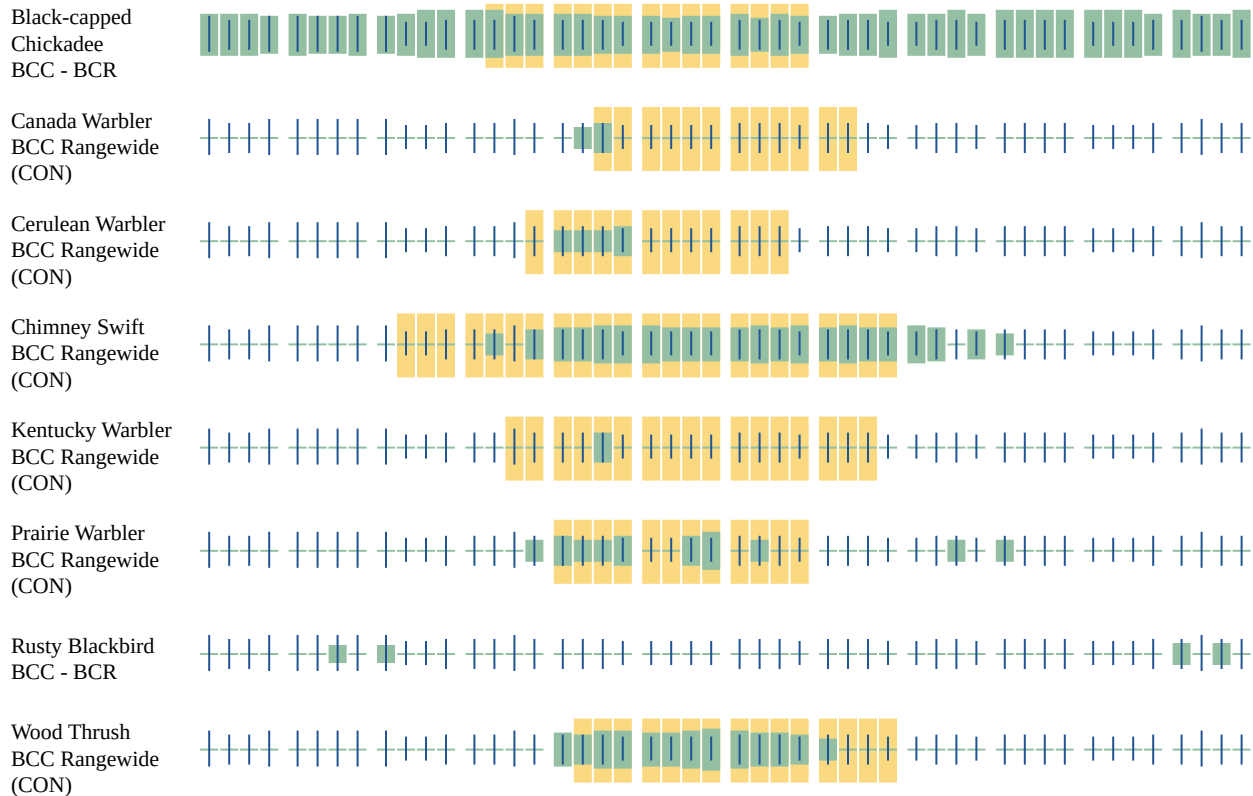
A week is marked as having no data if there were no survey events for that week.

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-incident-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.

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 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.

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.

FRESHWATER EMERGENT WETLAND

- [Palustrine](#)

RIVERINE

- [Riverine](#)

ESTUARINE AND MARINE DEEPWATER

- [Estuarine](#)
-



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

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:

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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.**

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
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Official Species List

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This species list is provided by:

New York Ecological Services Field Office

3817 Luker Road
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Long Island Ecological Services Field Office

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

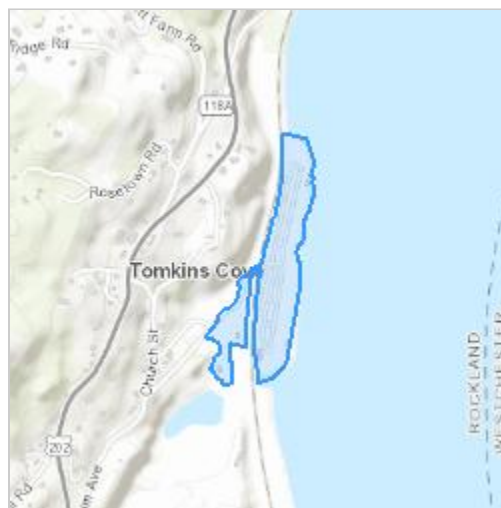
Project Summary

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

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 Fisheries¹, 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> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

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

Critical habitats

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

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.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

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
Bald Eagle <i>Haliaeetus leucocephalus</i> 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
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10

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

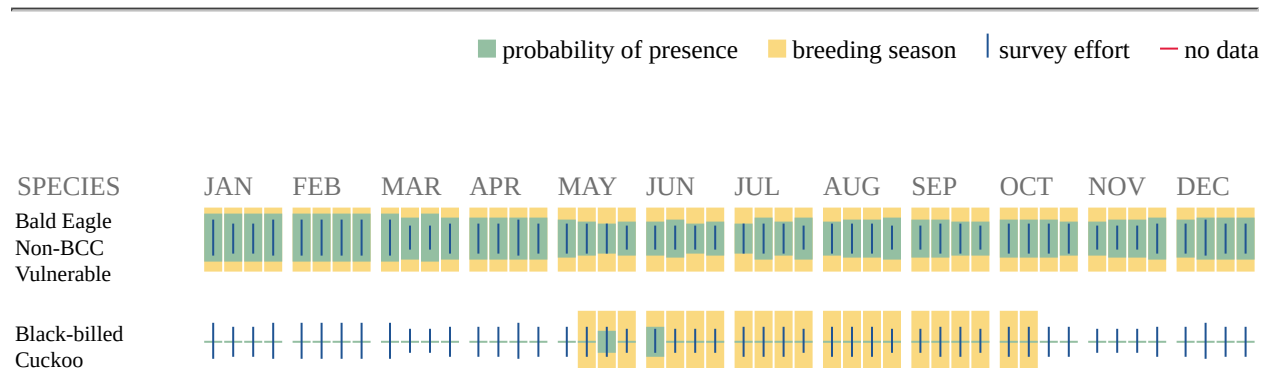
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

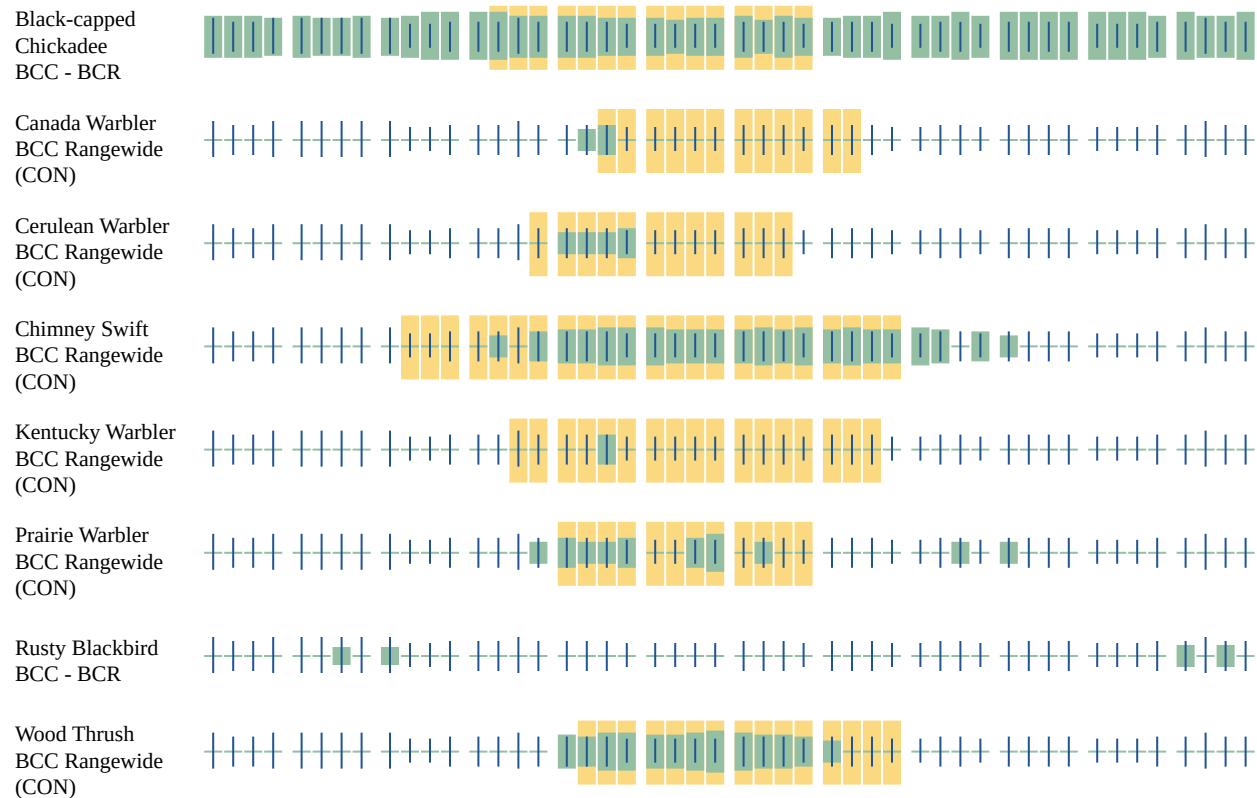
A week is marked as having no data if there were no survey events for that week.

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-incident-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.

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
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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

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.

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](#)
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