

APPENDIX T
CASE 10-T-0189
Rare Threatened and Endangered Species Documentation
(Redacted)

To: New York State Department of Public Service (NYSDPS)

From: Environmental Design & Research, Landscape Architecture, Engineering, and Environmental Services, D.P.C.

Date: October 2022

Reference: Champlain Hudson Power Express Project
Appendix T – Environmentally Sensitive Species and Habitats
REDACTED

EDR Project No: 21075

On behalf of the Champlain Hudson Power Express LLC (the Certificate Holders), Environmental Design and Research, Landscape Architecture, Engineering, and Environmental Services, D.P.C. (EDR) has prepared this memorandum as a supplement to the Environmental Management and Control Plans (EM&CPs) for the Champlain Hudson Power Express (CHPE) Project (the Project). This memorandum summarizes existing public information on rare, threatened, or endangered (RTE) plant and wildlife species and significant natural communities in the vicinity of the overland segments of the Project Corridor. In addition, EDR conducted an analysis of the occurrence, and potential for occurrence, of RTE species within the Project Corridor. Information on the existing ecological resources in the vicinity of the Project Corridor was obtained from publicly available sources, agency correspondence, and field reconnaissance. This memorandum contains the following attachments:

- Attachment 1 – Figures (**REDACTED**)
- Attachment 2 – Agency Correspondence
- Attachment 3 – Summary of RTE Plant and Wildlife Species and Significant Natural Communities along the Project Corridor

In accordance with Section 16.0 of the BMP document, the Applicant-Proposed Avoidance and Minimization Measures (Appendix G to the Joint Proposal), and the Certificate Conditions, the Certificate Holders will implement avoidance, minimization, and mitigation measures specific to species expected to occur in the Project Corridor during construction and operation of the Project. These measures are outlined in Section 9.3 of the EM&CPs and locations of the environmentally sensitive areas are depicted in the EM&CP Plan and Profile Drawings.

1.0 Project Description

The Project involves construction of approximately 339 miles of high-voltage direct current (HVDC) underground and underwater transmission cable from Montreal, Quebec, to Queens, New

York. On March 30, 2010, an application was filed for a Certificate of Environmental Compatibility and Public Need with the New York State Public Service Commission (PSC) pursuant to Article VII of the New York Public Service Law (PSL) to construct and operate the Project. The Certificate of Environmental Compatibility and Public Need (the Certificate) was granted on April 18, 2013. The Certificate has been amended several times (March 20, 2020, August 13, 2020, September 21, 2020, January 26, 2021, May 14, 2021, February 17, 2022, March 16, 2022, and pending approval of the September 7, 2022 request) to reflect revisions in the alignment and other Certificate Conditions (CCs). In accordance with CC 6, the Certificate Holders have divided the overland and marine portions of the Project into segmented EM&CP filings to facilitate construction and sequencing. Table 1 documents the anticipated Project schedule and sequencing for each EM&CP Segment. The overland segments of the Project Corridor are depicted in Figure 1 (Attachment 1).

Table 1. Overland and Marine Segments/ Packages: Project Construction, Sequencing, and Scheduling

EM&CP			
Construction Segment	Design Package	Location Description	Segment Length (miles)
OVERLAND SEGMENTS			
1, 2	Package 1A/ Package 1B	Putnam to Dresden/ Dresden to Whitehall	17.6
3	Package 1C	Whitehall to Fort Ann	5.9
3	Package 2	Fort Ann to Kingsbury	14.5
8	Package 5A	Rotterdam to Selkirk	16.9
9	Package 5B	Selkirk Bypass	5.3
4, 5	Package 3	Kingsbury to Milton	26.5
10	Package 6	Ravena to Catskill	20.9
13, 14, 15	Package 8	Bronx to Queens	2.13
6	Package 4A	Milton to Ballston	10.2
7	Package 4B	Ballston to Schenectady/Rotterdam	9.6
11, 12	Package 7A	Catskill	8.6
12	Package 7B	Stony Point to Clarkstown	7.6
Laydown Yards EM&CP	Packages 3, 5B, 6	Fort Edward, Bethlehem, and Coxsackie	N/A
MARINE SEGMENTS			
16	Package 9	Transitional HDD (Stony Point)	N/A
17	Package 10	Lake Champlain	~96
18	Package 11	3 Transitional HDDs (Putnam, Catskill, Clarkstown)	N/A
19	Package 12	Upper Hudson River	~67.5
20	Package 13	Lower Hudson River	~21.6
21	Package 14	Harlem River	~6.3
22	TBD	Converter Station, Astoria Complex, (Queens)	N/A

EM&CP			
Construction Segment	Design Package	Location Description	Segment Length (miles)
23	TBD	Astoria Rainey Cable HVAC System, (Queens)	~3.5

2.0 Summary of Agency Correspondence

Under Article VII of the New York State Public Service Law, Exhibit 121 to the Joint Settlement Proposal provided an environmental analysis of Facility impacts to ecologically sensitive species and habitats upon which the Commission relied in issuing Certificate Holders their Certificate in April 2013. Thereafter, an Environmental Impact Statement (EIS) was prepared and finalized in August 2014 by the United States Department of Energy (DOE) in compliance with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act (NEPA) of 1969, the DOE's NEPA regulations, and other applicable regulations. The EIS and associated biological assessment evaluated all potential environmental impacts resulting from the construction, operation, and maintenance of the Project on both terrestrial and aquatic species and habitats. In addition, Appendix G to the EIS included Applicant proposed impact avoidance and minimization measures. Consultation pursuant to Section 7 of the Endangered Species Act (ESA) was completed between the DOE and United States Fish and Wildlife Service (USFWS) in 2014 and again in March 2021, to address modifications to the Project.

Given the time that has elapsed since the Article VII proceeding and EIS, the Certificate Holders submitted requests to the New York Natural Heritage Program (NYNHP) for updated information regarding RTE species and significant natural communities that may occur in the vicinity of the Project Corridor. The NYNHP provided a separate response for each overland segment along the Project route (dated March 25, 2022, April 1, 2022, April 11, 2022, April 15, 2022, and April 22, 2022, see Attachment 2). The Certificate Holders also entered into a non-disclosure agreement with the New York State Department of Environmental Conservation (NYSDEC) to obtain confidential spatial data identifying the documented locations of RTE species (received April 20, 2022) (see Figures 2 through 14 in Attachment 1). In addition, the USFWS's Information Planning and Consultation (IPaC) system was consulted on March 21, 2022, May 20, 2022, and August 8, 2022, to obtain official species lists for each overland segment along the Project route (Attachment 2).

RTE plant and wildlife species and significant natural communities documented within or in the vicinity of the overland Project Corridor are summarized in Attachment 3 and described in Section 3.0.

3.0 Evaluation of Habitat Suitability for Documented RTE Species

This section provides information about the habitat requirements of state and federally listed threatened and endangered species and species of special concern identified in the vicinity of the overland segments of the Project Corridor. Unlisted wildlife species of conservation concern and state-listed rare plant species are also described. Significant natural communities identified during agency consultation are discussed in Section 3.4.

3.1 Federally Listed Species

Indiana Bat

The Indiana bat (*Myotis sodalis*) is state and federally listed as endangered. The USFWS IPaC Official Species List has documented the potential occurrence of Indiana bats in the vicinity of Segments 1, 2, 3, 4, 5, 8, 9, 10, and 11 of the Project Corridor. However, NYSDEC mapping indicates the potential presence of Indiana bat are limited to Segments 9 and 10 of the Project Corridor.

No wintering habitat for the Indiana bat is present in the vicinity of the Project. However, suitable summer habitat may occur in the form of potential roost trees and/or bridges throughout all segments. Based on previous consultations with the USFWS on March 25, 2021, the USFWS determined that the Project “will not adversely affect” Indiana bats given the implementation of time of year restrictions during bat active periods. In accordance with the Biological Opinion, tree clearing will only be conducted between October 31 and March 31 within all segments to avoid and minimize impacts to bats. In addition, where the cable is proposed to cross NYSDOT bridges, a Bridge Bat Survey will be conducted prior to the commencement of construction work during the bat’s active period (i.e., April 1 through October 30) in accordance with Federal Highway Administration (FHWA) and NYSDOT environmental procedures¹. Section 9.3 of the EM&CPs of applicable segments provide additional detail on the avoidance, minimization, and mitigation measures the Certificate Holders will implement to avoid impacts to Indiana bats.

According to the USFWS,² suitable summer habitat for Indiana bats includes a variety of forested/wooded habitats that exhibit characteristics for roosting, foraging, and traveling behaviors. Some non-forested areas such as emergent wetlands and agricultural fields adjacent to the wooded habitat may be used for traveling and foraging. Indiana bat roost trees tend to be live trees and/or snags ≥ 5 inches (12.7 centimeter) diameter at breast height (dbh) that exhibit

¹ NYSDOT. 2020. FHWA New York Division Environmental Procedures. Available online at: <https://www.dot.ny.gov/divisions/engineering/environmental-analysis/manuals-and-guidance/epm/repository/4.4.9.3 AppG FHWA ESA Section 7.pdf>

² U.S. Fish and Wildlife Service (USFWS). March 2022. Range-Wide Indiana Bat Survey Guidelines. Available from: https://www.fws.gov/sites/default/files/documents/USFWS_Range-wide_IBat_%26_NLEB_Survey_Guidelines_2022.03.29.pdf. Accessed May 27, 2022.

the following characteristics: exfoliating bark, cracks, crevices, and/or hollows. Bridges (i.e., defined by NYSDOT as a structure greater than 20 feet in length) or structures may also provide suitable summer roosting habitat in the form of cracks in concrete, expansion joints, cave-like or crawlspace environments at least 4 feet above grade, or a bridge span of large rivers in wide floodplains³. During the winter months, Indiana bats hibernate in caves or abandoned mines. In New York, known hibernacula are located in eight New York counties.⁴ However, during the summer, individuals of this species disperse to areas well beyond these hibernacula to breeding areas and other habitats to feed and raise their young. Radio telemetry studies have tracked bats to maternity colonies in 10 counties and bachelor colonies in seven counties.

Northern Long-eared Bat

The northern long-eared bat (*Myotis septentrionalis*) is state and federally listed as threatened. Agency consultation has documented northern long-eared bats as potentially occurring in the vicinity of the Project Corridor within Segments 1, 2, 3, 8, 9, 10, and 11.

The USFWS has not designated a critical habitat for the northern long-eared bat. However, summer habitat may occur within all segments in the form of potential roost trees and/or bridges. Based on previous consultations with the USFWS on March 25, 2021, the USFWS determined that the Project “may affect, not likely to adversely affect” northern long-eared bats given the implementation of time of year restrictions on tree clearing within these segments. Section 9.3 of the EM&CP for the relevant segments provides additional detail on the avoidance, minimization, and mitigation measures the Certificate Holders will implement to avoid impacts to northern long-eared bats.

Northern long-eared bats are typically associated with mature interior forest, avoiding woodlands with significant edge habitat. However, the NYSDEC has determined that northern long-eared bats use a variety of forest types throughout New York State.⁵ Bridges or structures may also provide suitable summer roosting habitat in the form of cracks in concrete, expansion joints, cave-like or crawlspace environments at least 4 feet above grade, or a bridge span of large rivers in wide floodplains.³ Northern long-eared bats hibernate in caves and mines over the winter. During their active season, typically from April through October, northern long-eared bats roost in dead or live trees under loose bark, and in cavities or crevices.

³NYSDOT. 2020. Appendix D: Bridge Assessment Guidance. FHWA/State DOT/FRA Preliminary Bat Assessment Guidelines for Bridges/Structures. Available online at:

https://www.dot.ny.gov/portal/pls/portal/MEXIS_APP.BC_CONST_NOTICE_ADMIN.VIEWFILE?p_file_id=13709&p_is_digital=Y.

⁴ New York Natural Heritage Program (NYNHP). 2022a. Online Conservation Guide for Indiana Bat. Available from: <https://guides.nynhp.org/indiana-bat/>. Accessed May 27, 2022.

⁵ NYNHP. 2022b. Online Conservation Guide for Northern Long-eared Bat. Available from: <https://guides.nynhp.org/northern-long-eared-bat/>. Accessed May 27, 2022.

Piping Plover

As previously noted, the Project Corridor is routed from Montreal, Quebec to Queens, New York where it interconnects at the Astoria power complex. No sandy beaches are present in the vicinity of the Astoria power complex. Based on previous consultations with the USFWS on March 25, 2021, the USFWS determined that the Project will result in “No Effect” on the piping plover given that no suitable habitat occurs along the Project Corridor within Segments 13, 14, and 15.

The piping plover (*Charadrius melodus*) is state and federally listed as threatened. The USFWS IPaC Official Species list documented the piping plover as potentially occurring in the vicinity of the Project Corridor within Segments 13, 14, and 15. Piping plovers nest in sandy areas along the Atlantic Coast, Great Plains, and Great Lakes. In New York State, piping plovers breed primarily on Long Island, but successful nesting attempts were discovered on the eastern shore of Lake Ontario in 2015 and 2016. Plovers build their nests above the waterline in shallow scrapes in the sand, and they feed on worms, insect larvae, beetles, crustaceans, mollusks, and other small aquatic animals and eggs. Piping plovers are threatened by waterfront development, predation, and human disturbance.⁶

Red Knot

Based on previous consultations with the USFWS on March 25, 2021, the USFWS determined that the Project will result in “No Effect” on the red knot given no suitable habitat occurs along the Project Corridor within Segments 13, 14, and 15. The red knot (*Calidris canutus rufa*) is state and federally listed as threatened. The USFWS IPaC Official Species list documented the red knot as potentially occurring in the vicinity of the Project Corridor within Segments 13, 14, and 15.

According to the Cornell Lab of Ornithology guide,⁷ the red knot exclusively occupies marine habitat that contains an abundance of invertebrate prey (i.e., sandy beaches, saltmarshes, lagoons, mudflats of estuaries and bays). In New York State, this species occurs along the salt meadows and mudflat of the south shore of Long Island, primarily in the Jamaica Bay Wildlife Refuge,⁸ and is therefore not anticipated to occur in the vicinity of the Project.

Roseate Tern

⁶ New York State Department of Environmental Conservation (NYSDEC). 2022a. Online Species Profile for Piping Plover. Available at: <https://www.dec.ny.gov/animals/7086.html>. Accessed June 23, 2022.

⁷ Cornell Lab of Ornithology. All About Birds. 2022. Red Knot Life History. Available from: https://www.allaboutbirds.org/guide/Red_Knot/lifehistory. Accessed May 27, 2022.

⁸ NYSDEC. 2014. Species Status Assessment – Red Knot. Available at: https://www.dec.ny.gov/docs/wildlife_pdf/sgcnredknot.pdf. Accessed June 1, 2022.

Based on previous consultations with the USFWS on March 25, 2021, the USFWS determined that the Project will result in “No Effect” on the roseate tern given no suitable habitat occurs along the Project Corridor within Segments 13, 14, and 15. The roseate tern (*Sterna dougallii dougallii*) is state and federally listed as endangered. The USFWS IPaC Official Species list documented the roseate tern as potentially occurring in the vicinity of the Project Corridor within Segments 13, 14, and 15. According to the NYSDEC website,⁹ the roseate tern is a marine coastal species that tends to breed on salt marsh islands and barrier beaches with sparse vegetation. Typically, these areas are associated with shallow waters accessible for foraging. Within New York, this species is only known to breed at a handful of colonies along Long Island with the largest population occurring at Great Gull Island. Therefore, this species is not anticipated to occur in the vicinity of the Project Corridor.

Atlantic Sturgeon

The overland segments of the Project do not propose aquatic impacts within the Hudson River estuary; therefore, there will be no impact to this species.

The Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) is federally listed as endangered and state listed as protected. According to NYNHP correspondence, the Atlantic sturgeon occurs in the Hudson River at the southern terminus of Segment 11 and at both ends of the Project Corridor within Segment 12.

Within New York, the Atlantic sturgeon can be found in the Hudson River as far north as Albany during the spawning season. Spawning locations can be within the freshwater and brackish/saltwater regions; however, this species tends to prefer the deeper parts of the Hudson River. Most of the time, the mature Atlantic sturgeons stay out at sea while the juveniles spend the first few years in freshwater streams near the spawning locations.¹⁰

Shortnose Sturgeon

The overland segments of the Project do not propose aquatic impacts within the Hudson River estuary; therefore, there will be no impact to this species.

The shortnose sturgeon (*Acipenser brevirostrum*) is state and federally listed as endangered. According to NYNHP correspondence, the shortnose sturgeon occurs in the Hudson River at the southern terminus of Segment 11 and at both ends of the Project Corridor within Segment 12.

⁹ NYSDEC. 2022b. Roseate Tern. Available from: <https://www.dec.ny.gov/animals/7084.html>. Accessed May 27, 2022.

¹⁰ NYNHP. 2022c. *Online Conservation Guide for Atlantic Sturgeon*. Available from: <https://guides.nynhp.org/atlantic-sturgeon/> (Accessed May 27, 2022).

In New York State, shortnose sturgeons inhabit the Hudson River estuary in areas of deep pools with soft substrates and vegetated bottoms.¹¹ During spawning, shortnose sturgeons swim upriver from the summer locations. Spawning locations have been characterized as rubble substrate with some gravel and large rocks. In the Hudson River, observations of larvae have been recorded between Albany and Poughkeepsie. Adults tend to stay in the lower estuary or in the Atlantic Ocean.

Karner Blue Butterfly

Based on the NYNHP response, Karner blue butterflies have been documented along the current Project Corridor within Segment 4 and 5 between Geyser Road and Geyser Creek in the City of Saratoga Springs, as well as in the Saratoga Sand Plains State Wildlife Management Area (Wilton Wildlife Preserve) and its vicinity. Based on the known locations, wild lupine patches have been mapped within the Project Corridor prior to construction in order to avoid and minimize impacts to this species. The transmission lines would be installed outside these mapped lupine patches and adjacent nectar patches to avoid impacts or beneath the mapped patches via HDD as outlined in Section 4.2 of the EM&CP for Segments 4 and 5. Section 9.3 of the EM&CP provides additional detail on the avoidance, minimization, and mitigation measures the Certificate Holders will implement to avoid impacts to the Karner blue butterfly. Based on previous consultations with the USFWS on March 25, 2021, the USFWS determined that the Project will result in “may effect, not likely to adversely affect” on the Karner blue butterfly.

The Karner blue butterfly (*Plebejus melissa samuelis*) is state and federally listed as endangered. The USFWS Official Species list has identified the Karner blue butterfly as potentially occurring in the vicinity of Segments 4, 5, 7, and 8 of the Project Corridor. According to NYSDEC mapping and correspondence with the NYNHP, the Karner blue butterfly has been documented to occur along the Project Corridor within Segments 4 and 5.

The Karner blue butterfly are restricted to open well-drained sandy habitats that support populations of wild lupine (i.e., pine barrens, oak savannas and unnatural openings such as right-of-ways [ROWs], etc.).¹² The larvae of Karner blue butterflies use wild lupine as their sole food source. Wild lupine is a small herbaceous perennial that belongs to the bean family (*Fabaceae*).¹³ It has distinctive multi-lobed leaves with flowers growing on terminal racemes. Flowers can range in color from blue to pink to white. Wild lupine is an early successional species that typically regenerates following environmental disturbances.

¹¹NYNHP. 2022d. *Online Conservation Guide for Shortnose Sturgeon*. Available from: <https://guides.nynhp.org/shortnose-sturgeon/> (Accessed June 28, 2022).

¹² NYNHP. 2019. Karner Blue *Plebejus melissa samuelis*. Available at: [Karner Blue Guide - New York Natural Heritage Program \(nynhp.org\)](https://nynhp.org) (Accessed May 2022).

¹³ United States Department of Agriculture. 2021. *Sundial Plant Guide*. Available at: [SUNDIAL \(usda.gov\)](https://www.usda.gov/sundial) (Accessed May 2022).

Monarch Butterfly

The monarch butterfly is a federal candidate species and not yet listed or proposed for listing. The USFWS IPaC Official Species List identified the monarch butterfly (*Danaus plexippus*) as potentially occurring along the entire Project route. The USFWS has not identified critical habitats for this species. Because the monarch butterfly is a candidate species and not yet listed or proposed for listing, consultation with the USFWS under Section 7 of the ESA is not required.

According to the USFWS,¹⁴ in the spring and summer, the monarch butterfly's habitat is open fields and meadows with milkweed (*Asclepias* spp.). During the breeding season, monarch butterflies lay their eggs on their obligate milkweed host plant (primarily *Asclepias* spp.), and larvae emerge after two to five days. Larvae develop through five larval instars (intervals between molts) over nine to 18 days, feeding on milkweed and sequestering toxic cardenolides as a defense against predators. The larva then pupates into a chrysalis before emerging 6 to 14 days later as an adult butterfly. There are multiple generations of monarch butterflies produced during the breeding season, with most adult butterflies living approximately two to five weeks; overwintering adults enter reproductive diapause (suspended reproduction) and live six to nine months.

Seabeach Amaranth

The seabeach amaranth (*Amaranthus pumilus*) is a globally imperiled plant that is both state- and federally listed as threatened. The USFWS IPaC Official Species list documented the seabeach amaranth as potentially occurring in the vicinity of the Project Corridor within Segments 13, 14, and 15. According to the NYNHP online conservation guide,¹⁵ the seabeach amaranth grows within undisturbed areas along barrier island beaches and on open over wash areas behind the foredune. This habitat is not present within or adjacent to the Project Corridor. In addition, based on the USFWS range map, occurrence of this plant species is restricted to the south shore of Long Island. Since habitat for seabeach amaranth is not present within the current Project Corridor, no impacts to this species are anticipated.

3.2 State Listed Wildlife Species

Indiana Bat

See the habitat description provided in Section 3.1.

¹⁴ U.S. Fish and Wildlife Service. September 2020. Monarch (*Danaus plexippus*) Species Status Assessment Report. V2.1 96 pp + appendices. Available from: <https://ecos.fws.gov/ServCat/DownloadFile/191345> (Accessed April 20, 2022).

¹⁵ NYNHP. 2022e. Online Conservation Guide for Seabeach Amaranth. Available from: <https://guides.nynhp.org/seabeach-amaranth/> (Accessed May 27, 2022).

Northern Long-eared Bat

See the habitat description provided in Section 3.1.

Bald Eagle

The bald eagle (*Haliaeetus leucocephalus*) is state listed as threatened and is protected under the federal Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. The NYNHP and NYSDEC mapping have documented bald eagle breeding and nesting in the vicinity of the Project Corridor within Segments 1, 2, 3, 6, 7, 8, 9, 10, 11, and 12. Section 9.3 of the relevant EM&CPs provide additional detail on the avoidance, minimization, and mitigation measures the Certificate Holders will implement to avoid impacts to bald eagles.

Bald eagles breed near water from Alaska throughout Canada and in scattered areas throughout the northern contiguous United States. In New York, bald eagles breed throughout the state, usually in areas with large bodies of water that support high populations of fish and waterfowl, their primary food sources. Large, heavy nests are built in tall pine, spruce, fir, cottonwood, oak, poplar, or beech trees.¹⁶ Bald eagles can be residents or long-distance migrants, depending on age, breeding location, and food availability. Northern adults begin fall migration when lakes and rivers freeze, usually migrating coastward or to other open waters. They return to breeding grounds when weather and food permit, usually January through March.¹⁷ Non-breeding adults and wintering birds often use communal roost sites that may be farther away from food sources, possibly due to the need for a warmer or more sheltered area. In New York, wintering areas are concentrated in four main areas: the Upper Delaware River, the Saint Lawrence River, the Lower Hudson River, and the Sacandaga River.¹⁴ With the exception of the Lower Hudson River (which is influenced by salt water and the action of tides), these areas have large persistent open water throughout the winter due to releases from man-made dams.

Timber Rattlesnake

The timber rattlesnake (*Crotalus horridus*) is state listed as threatened. NYSDEC mapping and NYNHP correspondence has identified the potential for timber rattlesnake to occur within 0.5 mile of the Project Corridor near the Towns of Putnam and Fort Ann within Segments 1 and 3. Section 9.3 of the EM&CP for Segments 1 and 3 provides additional detail on the avoidance, minimization, and mitigation measures the Certificate Holders will implement to avoid impacts to timber rattlesnake.

¹⁶ NYNHP. 2022f. *Online Conservation Guide for Bald Eagle*. Available at: <https://guides.nynhp.org/bald-eagle> (Accessed June 2022).

¹⁷ Cornell Lab of Ornithology. All About Birds. 2022. Available from: <https://www.allaboutbirds.org/> (Accessed May 27, 2022).

The NYNHP timber rattlesnake guide¹⁸ indicates that this species generally inhabits deciduous forests with mountainous terrain. Occasionally, this species has been seen using residential and wetland area near a den. Dens are located in talus and rocky areas with southerly exposure. Timber rattlesnakes use open areas with exposed rock for basking, birthing, and shedding. Foraging areas are located within forested habitat near a den. According to the NYSDEC timber rattlesnake fact sheet, these snakes have an active season that runs from late April to mid-October. Gravid females generally migrate 1.3 to 2.5 miles from their den each summer to habitat that includes open, rocky ledges. The males migrate up to 5 miles during the active season.

Eastern Sand Darter

The eastern sand darter (*Ammocrypta pellucida*) is state listed as threatened. NYSDEC mapping and NYNHP correspondence has identified the potential for eastern sand darter to occur in the vicinity of the Project Corridor within Segment 3. Based on the Package 2 (Segment 3) NYNHP response letter, the Project Corridor comes within 160 yards of two documented locations in the Lake Champlain Canal in the Town of Kingsbury.

The construction of Segment 3 would have no effect on state-listed aquatic species. The transmission lines would be installed over water bodies by bridge attachment, or beneath the water bodies via HDD or dry ditch crossing methods as outlined in Section 4.2 of the EM&CP for Segment 3. Crossings by bridge attachment and HDD would avoid impacts on aquatic habitats and species. Therefore, the current Project design is not anticipated to result in impacts to the eastern sand darter.

As stated in the NYNHP guide, the eastern sand darter inhabits lakeshores and shallow streams with sandy substrates.¹⁹ Within New York, eastern sand darters are found in the St. Lawrence River, Raquette River, drainages of Lake Champlain, and shallow waters of Lake Erie. According to the NYNHP, the major threats to the eastern sand darter are the loss of habitat resulting from stream pollution, stream stabilization, increased siltation, and stream fragmentation from dam construction.¹⁷ The NYNHP recommended conservation strategies and management practices include prevention of toxic pollutants and debris from stormwater runoff and prevention of siltation resulting from altered hydrologic flows created by impoundment.¹⁷

Atlantic Sturgeon

See the habitat description provided in Section 3.1.

¹⁸ NYNHP. 2022g. *Online Conservation Guide for Timber Rattlesnake*. Available at: <https://guides.nynhp.org/timber-rattlesnake/> (Accessed June 2022).

¹⁹ NYNHP. 2022h. *Online Conservation for Eastern Sand Darter*. Available at: <https://guides.nynhp.org/eastern-sand-darter/> (Accessed June 2022).

Shortnose Sturgeon

See the habitat description provided in Section 3.1.

Short-eared Owl

The short-eared owl (*Asio flammeus*) is state listed as endangered and is also protected under the federal Migratory Bird Treaty Act. According to NYSDEC mapping and NYNHP correspondence, short-eared owl wintering has been documented in the vicinity of the Project Corridor within Segments 3 and 10. Based on the Package 2 (Segment 3) and Package 6 (Segment 10) NYNHP response letters, the current Project Corridor is within 0.33 mile of a documented wintering location.

The current Project Corridor is expected to have negligible or no effect on short-eared owl because critical habitats such as grassland habitats greater than 25 acres will be avoided to the extent practicable. Even within grassland habitats greater than 25 acres, current Project Corridors have been placed along the edge of the open field and/or within previously disturbed/developed areas to minimize impacts to this species. If the Project Corridor extends outside of the existing railroad ROW or beyond the edge of the open fields within the NYSDEC occupied buffers, avoidance and minimization measures for the unanticipated discovery of this species will be outlined in Section 9.3.

Short-eared owls range over much of North America at various times of year, but breeding is restricted to Canada and northern portions of the United States. In New York State, the breeding range is generally limited to the St. Lawrence and Lake Champlain valleys, the Great Lakes plains, and marshes along the south shore of Long Island.¹⁸ However, the number of short-eared owl observations increases during the winter as northern populations migrate south, possibly in search of food. Significant numbers of wintering owls use the Finger Lakes and the Lake Ontario plains, scattered locations in the Hudson Valley, and the south shore of Long Island. Both breeding and wintering short-eared owls typically use open grasslands greater than 25 acres (including hayfields, fallow farmlands, and pastures) and fresh and saltwater marshes. They tend to prefer habitats with some water, which may be due to the habitat preference of voles, their primary prey,²⁰ but typically select dry spots on the ground to build their nests, often on small knolls, ridges, or hummocks with enough grasses and other low vegetation to conceal the incubating female. When food is plentiful, winter areas can become breeding areas.¹⁵

Northern Harrier

²⁰ NYNHP. 2022i. *Online Conservation Guide for Short-eared Owl*. Available at: <https://guides.nynhp.org/short-eared-owl> (Accessed June 2022).

Northern harrier (*Circus hudsonius*) is state listed as threatened and is protected under the Federal Migratory Bird Treaty Act. According to NYSDEC mapping and NYNHP correspondence, northern harrier breeding has been documented in the vicinity of the Project Corridor within Segment 3 and wintering has been documented in the vicinity of Segments 3 and 10. Based on the Package 2 (Segment 3) and Package 6 (Segment 10) NYNHP response letters, the current Project Corridor is within 160 yards of a documented breeding location located along Dike Road, northeast of Dunham Basin in the Town of Kingsbury. Documented wintering locations are found within 0.33 mile of the current alignment at the Fort Edwards Grasslands (Segment 3) and the Cocksackie Flats (Segment 10). These two locations are designated as state significant Raptor Winter Concentration Areas.

The current Project Corridor is expected to have negligible or no effect on northern harriers because critical habitats such as grassland habitats greater than 25 acres will be avoided to the extent applicable. Even within grassland habitats greater than 25 acres, current Project Corridors have been placed along the edge of the open field and/or within previously disturbed/developed areas to minimize impacts to this species. Impacts to freshwater wetlands have also been avoided or minimized to the extent practicable. If the Project Corridor extends outside of the existing railroad ROW or beyond the edge of the open fields within the NYSDEC occupied buffers, avoidance and minimization measures for the unanticipated discovery of this species will be outlined in Section 9.3.

Northern harriers have a large but discontinuous breeding range in North America, including much of Canada, Alaska, and the northern contiguous United States. In New York State, northern harriers are confirmed breeders in the western Great Lakes plain, open habitats of the Adirondacks, western Finger Lakes, Long Island, and the Hudson, Saint Lawrence, and Lake Champlain valleys. Their winter range in New York is similar, depending on prey abundance and snow cover. Northern harriers use a wide range of open grasslands, hayfields, shrubland, and salt and freshwater marshes. Nests are placed on the ground, usually in dense cover of grassland or marshes.²¹ In winter, northern harriers roost in groups on the ground, sometimes with short-eared owls.¹⁵

Peregrine Falcon

Peregrine falcon (*Falco peregrinus*) is state listed as endangered and is also protected under the federal Migratory Bird Treaty Act. According to the Package 8 (Segments 13, 14, and 15) NYNHP response letter, the peregrine falcon has been documented as occurring within 0.5 mile of the

²¹ NYNHP. 2022j. *Online Conservation Guide for Northern Harrier*. Available from: <https://guides.nynhp.org/northern-harrier> (Accessed June 2022).

Project Corridor. However, upon further review of the NYSDEC mapping records, the current alignment does not intersect with this occurrence.

As stated above, the NYSDEC mapping records for peregrine falcons do not intersect the terrestrial portion of the Project and no suitable breeding habitat is present within the Project Corridor. Upon completion of the final Project design, if the alignment poses potential impacts to this species, avoidance/minimization measures will be described in Section 9.3 of the EM&CP for Segments 13, 14, and 15.

The peregrine falcon is a nearly cosmopolitan bird that breeds on every continent except Antarctica. They often nest on ledges or holes on the faces of rocky cliffs, and in more urban areas, on manmade structures such as bridges and tall buildings. Wintering birds frequent buildings, towers, and steeples in urban areas, and open areas with plentiful prey in more natural settings. In New York State, the current breeding range includes the Adirondacks, on bridges and cliffs in the Hudson Valley, and on buildings and bridges in the New York City area, as well as scattered urban sites such as Rochester, Buffalo, Binghamton, and Albany.²²

King Rail

King rail (*Rallus elegans*) is state listed as threatened and is also protected under the federal Migratory Bird Treaty Act. According to NYSDEC mapping and NYNHP correspondence, king rail breeding has been documented to occur in the vicinity of the Project Corridor within Segment 10. Based on the Package 6 (Segment 10) NYNHP response letter, the current Project Corridor is within 0.33 mile of a documented breeding location.

The current Project Corridor within the NYSDEC occupied buffer is expected to have negligible to no effect on king rails because critical habitats such as large wetlands with open water and abundant emergent vegetation are not located in the Segment 10 Project Corridor. Construction of the Project will implement BMPs to avoid and minimize potential indirect effects on such habitats (see Section 9.1 of the EM&CP for Segment 10).

King rails range from the eastern United States through Mexico and Costa Rica.²³ In New York, breeding populations of king rail are largely restricted to the southwestern and southeastern portions of the state, where breeding pairs can be found in shallow (0-25 cm) emergent marshes with dense, reed-like vegetation interspersed with pools of open water, including freshwater tidal marshes along the lower Hudson River and brackish tidal marshes on Long Island. They prefer

²²NYNHP. 2022k. *Online Conservation Guide for Peregrine Falcon*. Available from: <https://guides.nynhp.org/peregrine-falcon/> (Accessed May 27, 2022).

²³ NYNHP. 2022l. *Online Conservation Guide for King Rail*. Available from: <https://guides.nynhp.org/king-rail/> (Accessed June 2022).

cattails (*Typha* spp.) or bulrush (*Scirpus* spp.) with bur-reed (*Sparganium* spp.), sedges (*Cyperaceae*), or common reed (*Phragmites australis*).²¹

Least Bittern

Least bittern (*Ixobrychus exilis*) is state listed as threatened and is also protected under the federal Migratory Bird Treaty Act. According to NYSDEC mapping and NYNHP correspondence, least bittern breeding has been documented to occur in the vicinity of the Project Corridor within Segment 8. Based on the Package 5 (Segments 8 and 9) NYNHP response letter, the Project Corridor is within 0.5 mile of a documented breeding location.

The current Project Corridor within the NYSDEC occupied buffer is expected to have negligible to no effect on least bittern because critical habitats such as large wetlands with open water and abundant emergent vegetation are not located within the Segment 8 Project Corridor, and the Project will implement BMPs to avoid and minimize potential indirect effects on such habitats (see Section 9.1 of the EM&CP for Segment 8).

Least bitterns range from southeast Canada, through the United States and Mexico, and into Costa Rica.¹⁵ In New York, breeding populations of least bittern are largely restricted to the Lake Ontario and St. Lawrence River plains, where breeding pairs can be found in shallow or deep emergent marshes with dense, reed-like vegetation interspersed with pools of open water, including freshwater tidal marshes along the lower Hudson River and brackish tidal marshes on Long Island. They prefer cattails or bulrush with bur-reed, sedges, or common reed.²⁴ Least bitterns forage by stalking along the open-water side of emergent vegetation, grasping clumps of plants with their toes and curved claws. They build nests on elevated platforms with overhead canopy, using materials such as emergent aquatic vegetation and sticks.¹⁵ Loss of marshland habitat has decreased this species' overall range. Large marshes (greater than 12 acres) are very important to the species, although smaller areas of marsh within large wetland complexes may also be utilized. Pollution of marshland habitat and an influx of certain invasive species (e.g., purple loosestrife [*Lythrum salicaria*]) has also led to habitat loss. Least bittern eat small fish, salamanders, tadpoles, frogs, leeches, slugs, crayfish, dragonflies, and occasionally shrews and mice.²²

Karner Blue Butterfly

See the habitat description provided in Section 3.1.

Frosted Elfin

²⁴ NYNHP. 2022m. *Online Conservation Guide for Least Bittern*. Available from: <https://guides.nynhp.org/least-bittern/> (Accessed June 2022).

The frosted elfin (*Callophrys irus*) is a state-listed threatened butterfly. According to NYSDEC mapping and correspondence with NYNHP, frosted elfin has been documented along the Project Corridor within Segments 4 and 5.

Based on the Package 3 (Segments 4 and 5) NYNHP response letter, frosted elfins have been documented directly along the current Project Corridor between Geyser Road and Geyser Creek in the City of Saratoga Springs, as well as in the Saratoga Sand Plains State Wildlife Management Area (Wilton Wildlife Preserve) and its vicinity. Based on the known locations, wild lupine patches have been mapped within the Project Corridor prior to construction in order to avoid and minimize impacts to this species. The transmission lines would be installed outside these mapped lupine patches and adjacent nectar patches to avoid impacts. Alternatively, the lines would be installed beneath the mapped patches via HDD as outlined in Section 4.2 of the EM&CP for Segments 4 and 5. Section 9.3 of the EM&CP provides additional detail on the avoidance, minimization, and mitigation measures the Certificate Holders will implement to avoid impacts to frosted elfin.

The frosted elfin has become globally rare and is extirpated in some states. It is restricted to open well-drained sandy habitats that support populations of indigo (*Baptisia spp.*) or wild lupine (i.e., pine barrens, oak savannas and unnatural openings such as ROWs, etc.).²⁵ The larvae of frosted elfins use wild lupine and indigo as the primary food source. Two races of frosted elfin occur within New York State—one that feeds primarily on wild lupine and the other race feeds mostly on indigo. There is no evidence that known populations feed on both host plants when they are present. In addition, these races are not known to overlap habitat. Therefore, the race feeding on wild lupine is documented within the Project Corridor.

Persius Duskywing

The persius duskywing (*Erynnis persius persius*) is a state-listed endangered butterfly. According to NYSDEC mapping and correspondence with NYNHP, the persius duskywing has been documented within and in the vicinity of portions of the Project Corridor in Segments 4 and 5.

Based on the Package 3 (Segments 4 and 5) NYNHP response letter, persius duskywings have been documented along the current Project Corridor in the Saratoga Sand Plains State Wildlife Management Area (Wilton Wildlife Preserve) and its vicinity. Based on these known locations, wild lupine patches have been mapped out prior to construction in order to avoid and minimize impacts to this species. To avoid impacts, the transmission lines would be installed outside these mapped lupine patches and adjacent nectar patches, or beneath the mapped patches via HDD as

²⁵ NYNHP. 2019. *Online Conservation Guide for Frosted Elfin*. Available at: <https://guides.nynhp.org/frosted-elfin/> (Accessed May 2022).

outlined in Section 4.2 of the EM&CP for Segments 4 and 5. Section 9.3 of the EM&CP provides additional detail on the avoidance, minimization, and mitigation measures the Certificate Holders will implement to avoid impacts to persius duskywings.

The persius duskywing is a subspecies of *Erynnis persius* which occupies a spotty range in eastern North America. The persius duskywing is restricted to open well-drained sandy habitats that support populations of indigo (*Baptisia spp.*) or wild lupine (i.e., pine barrens, oak savannas and unnatural openings such as ROWs, etc.).²⁶ The larvae of persius duskywings use wild lupine and indigo as the primary food source.

Eastern Spadefoot

The eastern spadefoot toad (*Scaphiopus holbrookii*) is state listed as a species of special concern. According to NYSDEC mapping, the eastern spadefoot has been documented to occur in the vicinity of portions of the Project Corridor within Segments 4 and 5. Based on the Package 3 (Segment 4 and 5) NYNHP response letter, the current Project Corridor comes within 0.5 mile of a 2019 documented vernal pool located within the Saratoga Sand Plains State Wildlife Management Area or in its vicinity.

The documented breeding pools are not located in the Project Corridor or immediately adjacent to proposed work activities and based on this species' limited home range, construction and operation of the Project is expected to have negligible to no effect on this species. As previously stated, the eastern spadefoot is listed within New York State as a species of special concern, not threatened or endangered. Therefore, consultation with the NYSDEC is not required for this species.

The eastern spadefoot is a medium-sized toad found primarily on Long Island, with isolated populations in Dutchess, Albany, and Saratoga counties. The NYNHP guide²⁷ for the eastern spadefoot indicates that this species inhabits areas of dry sandy soils or loose soils. These characteristics are generally associated with pine barrens and associated habitats in Saratoga and Albany counties and in pitch pine-scrub oak dunes on Long Island. Eastern spadefoot toads are known to observe relatively small home ranges (10 to 1087 square meters) and have been documented to up to 450 m from their breeding ponds although most travel closer to 130 m.²⁸

²⁶ NYSDEC. 2014. *Species Status Assessment: Persius Duskywing*. Available at: https://www.dec.ny.gov/docs/wildlife_pdf/sgcnpersius.pdf (Accessed June 2022).

²⁷ NYNHP. 2022n. *Online Conservation Guide for Eastern Spadefoot*. Available from: <https://guides.nynhp.org/eastern-spadefoot/> (Accessed May 27, 2022).

²⁸ NYSDEC. 2013. *Species Status Assessment – Eastern spadefoot toad (Scaphiopus holbrookii)*. Available from: https://www.dec.ny.gov/docs/wildlife_pdf/sgcnespadefoot.pdf (Accessed September 2022)

3.3 Unlisted Wildlife Species of Conservation Concern

The following species are unlisted in New York State and were documented by NYNHP as potentially occurring in the vicinity of the Project. Unlisted species do not require additional consultation with the NYSDEC under 6 NYCRR Part 182. As such, these species are not included in the Attachment 3 summary tables.

Bridle Shiner

The bridle shiner (*Notropis bifrenatus*) is an unlisted species in New York State. According to NYSDEC mapping and NYNHP correspondence, the bridle shiner has been documented adjacent to the Project Corridor within Segment 3 in an unnamed body of water.

Major threats to the bridle shiner habitat include alterations due to turbidity, flow alterations, draining of ponds and exotic species introduction. The construction of the overland segments of the Project would have no effect on state-listed aquatic species. To avoid impacts to aquatic resource, the transmission lines would be installed over water bodies by bridge attachment, or beneath the water bodies via HDD or dry ditch crossing methods as outlined in Section 4.2 of the EM&CP for Segment 3. Therefore, construction of Segment 3 is not anticipated to impact this species.

The NYSDEC indicates that this species occurs near the shores of lakes and streams with submerged aquatic vegetation.²⁹ This species is native to 16 of the 18 watersheds in New York State; however, recent data have shown a population decline in western and central New York.

Umbre Shadowdragon

The umber shadowdragon (*Neurocordulia obsoleta*) is an unlisted species of dragonfly in New York State. According to the Package 2 (Segment 3) NYNHP response letter, the umber shadowdragon has been documented along the Project Corridor within Segment 3 in the Champlain Canal.

The construction of the overland segments of the Project would have no effect on aquatic species. To avoid impacts to aquatic resources, the transmission lines would be installed over water bodies by bridge attachment, or beneath the water bodies via HDD or dry ditch crossing methods as outlined in Section 4.2 of the EM&CP for Segment 3. Therefore, the current Project design is not anticipated to result in impacts to the umber shadowdragon.

²⁹ NYSDEC. 2022. *Online Species Profile of Bridle Shiner*. Available from: <https://www.dec.ny.gov/animals/85683.html> (Accessed June 30, 2022).

The umber shadowdragon belongs to a family of dragonflies known as the emeralds (Corduliidae). The Massachusetts Natural Heritage and Endangered Species Program guide³⁰ indicates that the aquatic, larval nymph stage inhabits the underside of rocks, sticks and other debris and feeds on aquatic insects, small fish and tadpoles.

Lyre-tipped Spreadwing

The lyre-tipped spreadwing (*Lestes unguiculatus*) is an unlisted species of dragonfly in New York State. According to the Package 3 (Segment 4 and 5) NYNHP response letter, this segment of the comes within 0.5 mile of a 2008 documented vernal pool complex within the Wilton Wildlife Preserve where this species has been observed. The documented vernal complex is not located in the Project Corridor or immediately adjacent to proposed work activities; therefore, construction and operation of the Project is expected to have negligible to no effect on this species.

According to the NYNHP guide³¹ for this species, this species can be found inhabiting small ponds or marshy wetlands. Often, these areas tend to dry up in mid-summer. In New York, the lyre-tipped spreadwing has been documented in 30 counties. It was observed in Saratoga, Chenango, St. Lawrence, and Jefferson counties in a recent odonate atlas survey.³¹ According to the NYNHP, the Wilton Wildlife Preserve is one of the best places to observe this species.

Spatterdock Darner

The spatterdock darner (*Rhionaechna mutata*) is another dragonfly species that is unlisted in New York State. According to the Package 3 (Segments 4 and 5) NYNHP response letter, the Project Corridor within Segments 4 and 5 comes within 0.5 mile of four vernal pools with documented occurrences of this species within the Saratoga Sand Plains State Wildlife Management Area or in its vicinity. The documented vernal complex is not located in the Project Corridor or immediately adjacent to proposed work activities; therefore, construction and operation of the Project is expected to have negligible to no effect on this species.

³⁰ Massachusetts Natural Heritage & Endangered Species Program. 2022a. *Online Conservation Guide for UMBER Shadowdragon*. Available from: <https://www.mass.gov/doc/umber-shadowdragon/download> (Accessed May 27, 2022).

³¹ NYNHP. 2022o. *Online Conservation Guide for Lyre-tipped Spreadwing*. Available from: <https://guides.nynhp.org/lyre-tipped-spreadwing/> (Accessed May 27, 2022).

According to the spatterdock darner NYNHP guide,³² this species mainly inhabits vegetated ponds, open marshes, and bogs. These locations tend to not have a population of fish and typically contain an abundance of vegetation including water lilies and spatterdock.

3.4 State Listed Rare Plant Species

Hill's Pondweed

Hill's pondweed (*Potamogeton hillii*) is state listed as threatened. According to NYNHP correspondence, this pondweed is documented along portions of the Project Corridor in Segment 1. The NYNHP online conservation guide³³ for Hill's pondweed indicates that this aquatic plant can be found in alkaline waters, including lakes, ditches, impoundments, ponds, marshes, and streams.

Based on the Package 1 (Segments 1 and 2) NYNHP response letter, Hill's pondweed has been documented within a beaver pond and small streamlets along the current Project Corridor within Segment 1 adjacent to Route 22 and B Lane near the border between the Towns of Dresden and Putnam. A targeted rare plant survey conducted in July 2022 by CHA confirmed the presence of Hill's pondweed approximately 15 feet upstream of the culvert (see Section 9.3 of the Segments 1 and 2 EM&CP).

To avoid aquatic impacts, the transmission lines would be installed over water bodies by bridge attachment, or beneath the water bodies via HDD or dry ditch crossing methods as outlined in Section 4 of the EM&CPs for Segment 1. The current Project design of Segment 1 does not include aquatic impacts within the known location of Hill's pondweed; therefore, there will be no impact to this species. However, if the existing culvert needs replacing during construction, avoidance and minimization measures will be discussed with NYSDPS and NYSDEC and implemented to protect this species. Based on the observed location of the Hill's pondweed plants approximately 15 feet away from the existing culvert, it is anticipated that the limits of work could be pulled back enough to replace the culvert without impacting these threatened plants.

Lake Water Cress

Lake water cress (*Rorippa aquatica*) is state listed as threatened. According to the Package 1 (Segments 1 and 2) NYNHP response letter, lake water cress has been documented within ¼ mile of the current Project Corridor within Segment 2 near the Town of Dresden. The NYNHP online

³²NYNHP. 2022p. *Online Conservation Guide for Spatterdock Darter*. Available from: <https://guides.nynhp.org/spatterdock-darner/> (Accessed May 27, 2022).

³³NYNHP. 2022q. *Online Conservation Guide for Hill's Pondweed*. Available from: <https://guides.nynhp.org/hill's-pondweed/> (Accessed May 27, 2022).

conservation guide³⁴ for lake water cress indicates that this species can be found in still, shallow waters along lakeshores, marly ponds, and quiet oxbow areas along rivers.

The work within Segment 2 does not include any disturbance to aquatic habitats; therefore, there will be no impact to lake water cress.

Goldenseal

Goldenseal (*Hydrastis canadensis*) is state listed as threatened. NYNHP correspondence indicates that goldenseal is documented in the vicinity of portions of the Project Corridor in Segments 4 and 5. According to the NYNHP online conservation guide,³⁵ goldenseal colonies are found at the bottom or mid-slopes of rich, often mature woodlands, and are frequently associated with diverse assemblages of spring wildflowers. Underlying bedrock is usually limestone, with soils rich in organic matter, and streams and/or springs nearby.

Based on the NYNHP response, goldenseal has been documented in a beech-maple mesic forest on a fairly steep, rocky, terraced slope within 0.2 mile of the current Project Corridor within Segments 4 and 5. The current Project Corridor for Segments 4 and 5 is located within or immediately adjacent to previously disturbed railroad corridors. Therefore, based on goldenseal's habitat requirements for very rich, densely shaded forests, the current alignment is not anticipated to impact goldenseal.

Side Oats Grama

Side oats grama (*Bouteloua curtipendula* var. *curtipendula*) is state listed as endangered. NYNHP correspondence indicates that this plant is documented along portions of the Project Corridor in Segments 6 and 7 and adjacent to a portion of the Project Corridor in Segments 8 and 9.

Within Segments 6 and 7, NYNHP documented side oats grama on the current Project Corridor within the Wyatts Riverside Bluffs in the Town of Glenville. Within Segments 8 and 9, side oats grama has been documented within 0.5 mile of the current alignment in an old sand pit. Based on the separating distance between the documented location and existing conditions within the current Project Corridor of Segments 8 and 9, no impact is anticipated. Due to the known record of this species directly within the within Segments 6 and 7, access through or impact within the documented location of this species will be avoided via HDD to cross the Mohawk River as described in Section 9.3 of the EM&CP for Segments 6 and 7.

³⁴NYNHP. 2022r. Online Conservation Guide for Lake Water Cress. Available from: <https://guides.nynhp.org/lake-cress/> (Accessed May 27, 2022).

³⁵NYNHP. 2022s. Online Conservation Guide for Goldenseal. Available from: <https://guides.nynhp.org/goldenseal/> (Accessed May 27, 2022).

According to the NYNHP online conservation guide,³⁶ side oats grama is strongly associated with dry limestone-derived soils, as well as with disturbance, both natural and artificial. It occurs in open habitats, including riverside bluffs, shale cliffs and barrens, cedar glades, limestone pavements, abandoned sandpits, pastures, railroads, and powerlines.

Stiff Flat-topped Goldenrod

Stiff flat-topped goldenrod (*Solidago rigida* var. *rigida*) is state listed as threatened. NYNHP correspondence indicates that this plant is documented in the vicinity of portions of the Project Corridor within Segment 10. According to the NYNHP online conservation guide,³⁷ this goldenrod occurs in a variety of dry open habitats, including grasslands, dry shaley slopes, on limestone bedrock, in small openings in shrub thickets, post-agricultural successional habitats on alkaline or clay soils, rocky summits, woodland edges, roadsides, and railroad ROWs.

Based on the Package 6 (Segment 10) NYNHP response letter, stiff flat-topped goldenrod is documented within a large old field approximately 0.2 to 0.5 mile west of the current alignment near the Town of West Athens. Based on the separating distance from the documented location and the siting of the Segment 10 Project Corridor entirely within or immediately adjacent to the previously disturbed railroad corridor, the Project is not anticipated to impact stiff flat-topped goldenrod.

Basil Mountain Mint

Basil mountain mint (*Pycnanthemum clinopodioides*) is state listed as endangered. This globally imperiled species has the smallest range of any northeastern *Pycnanthemum*, and there are only three known populations in New York State. NYNHP correspondence indicates that this plant is documented in the vicinity of the Project Corridor for Segment 12. According to the NYNHP guide³⁸, this plant occurs on south or west-facing slopes with dry, rocky soil. Suitable habitat includes open oak-hickory forests, woodlands, or savannas, with lots of exposed high pH bedrock.

Based on the Package 7 (Segment 12) NYNHP response letter, basil mountain mint has been documented within rocky summit grassland and Appalachian oak-hickory forest habitats in High Tor State Park, adjacent to the current alignment of Segment 12. The work within Package 7B is proposed to stay within the existing road ROW and outside of the state park; therefore, there will be no impact to the species.

³⁶NYNHP. 2022t. Online Conservation Guide for Side Oats Grama. Available from: <https://guides.nynhp.org/side-oats-grama/> (Accessed May 27, 2022).

³⁷NYNHP. 2022u. Online Conservation Guide for Stiff Flat-topped Goldenrod. Available from: <https://guides.nynhp.org/stiff-flat-topped-goldenrod/> (Accessed May 27, 2022).

³⁸NYNHP. 2022v. Online Conservation Guide for Basil Mountain Mint. Available from: <https://guides.nynhp.org/basil-mountain-mint/> (Accessed May 27, 2022).

Torrey's Mountain Mint

Torrey's mountain mint (*Pycnanthemum torreyi*) is also globally imperiled, and state listed as endangered with only three small populations in New York. NYNHP correspondence indicates that this plant is also documented in the vicinity of the Project Corridor within Segment 12. According to the NYNHP guide,³⁹ New York populations of Torrey's mountain mint have been found in dry, open habitats, including red cedar barrens, rocky summits, trails, and roadsides.

Based on the Package 7 (Segment 12) NYNHP response letter, Torrey's mountain mint has been documented within rocky summit grassland and Appalachian oak-hickory forest habitats in High Tor State Park adjacent to the current Project Corridor. The work within Segment 12 is proposed to stay within the existing road ROW and outside of the state park; therefore, there will be no impact to the species.

4.0 Migratory Birds

Bird species native to the United States or its territories are protected under the Migratory Bird Treaty Act of 1918 (MBTA). The USFWS Official Species Lists identified numerous MBTA protected bird species potentially occurring in the vicinity of all overland segments of the Project (see Attachment 2). However, based on the siting of the Project within previously disturbed railroad corridors or public road ROWs, the temporary nature of ground disturbance associated with the underground conduits, and the planned tree clearing between November 1 and March 31 (i.e., outside of the breeding and nesting season for most bird species that occur in New York), construction and operation of the Project is not anticipated to adversely impact MBTA protected birds. Additionally, an Environmental Monitor will be present on site during the preconstruction and construction phases of the Project. In the event of an unanticipated discovery of MBTA protected bird species or their nests or eggs within the Project Corridor, the Environmental Monitor will follow the process of an unanticipated discovery detailed in Section 9.3.3 of the EM&CPs, including consultation with federal and state agencies as needed.

5.0 Significant Natural Communities

Red Cedar Rocky Summit

The NYNHP online conservation guide⁴⁰ describes this community as:

³⁹NYNHP. 2022w. *Online Conservation Guide for Torrey's Mountain Mint*. Available from: <https://guides.nynhp.org/torreys-mountain-mint/> (Accessed May 27, 2022).

⁴⁰NYNHP. 2022x. *Online Conservation Guide for Red Cedar Rocky Summit*. Available from: <https://guides.nynhp.org/red-cedar-rocky-summit/> (Accessed May 27, 2022).

*A community that occurs on warm, dry, rocky ridgetops and summits where the bedrock is calcareous (such as limestone or dolomite, but also marble, amphibolite, and calcsilicate rock), and the soils are calcareous. The vegetation may be sparse or patchy, with numerous lichen-covered rock outcrops. This community is often surrounded by Appalachian oak-hickory forest. Eastern red cedar (*Juniperus virginiana*) is a characteristic tree. In many examples, dead or dying red cedars may be evident, which is often associated with the severe heat stress characteristic of this community (Edinger et al. 2014).⁴¹*

The red cedar rocky summit community has a state conservation status rank of S3, indicating that it is vulnerable within New York. Based on the Package 1 (Segments 1 and 2) NYNHP response letter, a red cedar rocky summit community has been documented within 100 yards of the current alignment on either side of Route 22 in the northern portion of the Town of Dresden. Based on the publicly available data from NYSDEC, three areas are mapped 250 to 960 feet off Route 22. Proposed work along the current alignment within Segments 1 and 2 will be completed along the existing roadside and will not impact the nearby red cedar summit communities.

Deep Emergent Marsh

According to the NYNHP online conservation guide⁴² for deep emergent marsh, the general description of this community is as follows:

A marsh community that occurs on mineral soils or fine-grained organic soils; the substrate is flooded by waters that are not subject to violent wave action. Water depths can range from 15 cm to 2 m (6 inches to 6.6 feet); water levels may fluctuate seasonally, but the substrate is rarely dry, and there is usually standing water in the fall. Deep emergent marshes are quite variable. They may be co-dominated by a mixture of species or have a single dominant species.

The deep emergent marsh community has a state conservation status rank of S3, indicating that it is vulnerable within New York. The NYNHP identified a deep emergent marsh community within the Project Corridor in Segment 1. The NYNHP described this occurrence as “an enormous marsh complex that occupies 50 percent of the upper portion of Lake Champlain.” As previously discussed, the transmission lines would be installed over water bodies by bridge attachment, or beneath the water bodies via HDD or dry ditch crossing methods. Although crossings by bridge

⁴¹ Edinger, G.J., D.J. Evans, S. Gebauer, T.G. Howard, DM. Hunt, and A.M. Olivero (editors). 2014. Ecological Communities of New York State. Second Edition: A Revised and Expanded Edition of Carol Reschke's Ecological Communities of New York State (1990). New York Natural Heritage Program, New York State Department of Environmental Conservation, Albany, NY.

⁴²NYNHP. 2022y. *Online Conservation Guide for Deep Emergent Marsh*. Available from: <https://guides.nynhp.org/deep-emergent-marsh/> (Accessed May 27, 2022).

attachment or HDD would avoid physical disturbance to aquatic habitats and species, HDD could result in frac-out (i.e., leaks of HDD drilling fluid into the surrounding sediment and water column) that could impact aquatic species and habitats. However, an Inadvertent Release and Recovery Plan has been prepared and will be implemented to minimize the risk of impacts associated with frac-outs (Appendix J to the EM&CPs) and described in Section 4.2 of the relevant EM&CPs. Any releases of drilling fluid would be remediated during construction. Therefore, no impacts to deep emergent marsh communities are anticipated.

Silver Maple-Ash Swamp

The NYNHP online conservation guide⁴³ for silver maple-ash swamp describes this community as follows:

Silver maple-ash swamps are hardwood basin swamps that occur in poorly drained depressions or on poorly drained soils along the borders of large lakes or, less frequently, rivers. The sites are characterized by uniformly wet conditions, with minimal seasonal fluctuation in water levels. The tree canopy is dominated by silver maple (Acer saccharinum) and green ash (Fraxinus pennsylvanica), but typically includes a variety of other hardwood species such as American elm (Ulmus americana), red maple (Acer rubrum), swamp white oak (Quercus bicolor), and ironwood (Carpinus caroliniana). This community has a well-developed understory of tall shrubs, short shrubs, and herbaceous species. Silver maple-ash swamps often occur over calcareous bedrock, and the plant species composition may reflect this influence with the presence of calciphiles such as northern white cedar (Thuja occidentalis) and alder-leaf buckthorn (Rhamnus alnifolia).

The silver maple-ash swamp community has a state conservation status rank of S3, indicating that it is vulnerable within New York. The NYNHP identified a silver maple-ash swamp community within a narrow strip within Segment 1 along the west shore of Lake Champlain near Chubbs Dock in the Town of Dresden. Based on the NYSDEC publicly available data, this significant natural community is mapped within approximately 0.4 mile of the current alignment. The work in this area will be completed along the road and will not impact this silver maple-ash swamp community.

Pitch Pine- Scrub Oak Barren

⁴³NYNHP. 2022z. *Online Conservation Guide for Silver Maple-Ash Swamp*. Available from: <https://guides.nynhp.org/silver-maple-ash-swamp/> (Accessed May 27, 2022).

According to the NYNHP online conservation guide⁴⁴, pitch pine-scrub oak barrens are described as follows:

A pine barrens community with a shrub layer dominated by scrub oaks underlain by heath species. The shrub layer forms a thicket that covers 60 to 80% of the community. Embedded within the shrub thickets are small patches of savanna, dominated by various forbs and prairie grasses (i.e., successional northern sandplain grasslands). The community occurs on well-drained sandy soils that have developed on sand dunes, glacial till, and outwash. This community is adapted to and maintained by periodic fires with a frequency ranging from 6 to 15 years.

This is a globally rare natural community with a state conservation status rank of S1, indicating that it critically imperiled in New York. The NYNHP and NYSDEC publicly accessible data identified one area of pitch pine-scrub oak barren community within 0.5 mile southeast of the current Project Corridor within Segments 4 and 5. This community is relatively small but in good condition. Due to the distance of the current alignment from this community and construction occurring only in the existing railroad ROW, no impacts to the identified pitch pine-scrub oak barren community are anticipated.

Pitch Pine-Oak-Heath Rocky Summit

According to the NYNHP online conservation guide⁴⁵, the pitch pine-oak-heath rocky summit community:

*... occurs on warm, dry, rocky ridgetops and summits where the bedrock is non-calcareous (such as quartzite, sandstone, or schist), and the soils are more or less acidic. The vegetation may be sparse or patchy, with numerous rocky outcrops. This community is broadly defined and includes examples that may lack pines and instead are dominated by scrub oak or heath shrubs; this variation is apparently related to fire regime. Pitch pine-oak-heath rocky summit communities are often surrounded by chestnut oak forest... Characteristic species include pitch pine (*Pinus rigida*), chestnut oak (*Quercus montana*), red oak (*Q. rubra*), and scarlet oak (*Q. coccinea*)... Characteristic shrubs include scrub oak (*Q. ilicifolia*), common juniper (*Juniperus communis*), blueberry (*Vaccinium angustifolium*, *V. pallidum*), sweet-fern (*Comptonia peregrina*), and black huckleberry (*Gaylussacia baccata*)... Historically, fires of moderate intensity naturally occurred on pitch pine-oak-heath rocky summits every 5 to 25 years, which maintained the character of this community. Without fire, other woody species*

⁴⁴NYNHP. 2022aa. *Online Conservation Guide for Pitch Pine-Scrub Oak Barren*. Available from: <https://guides.nynhp.org/pitch-pine-scrub-oak-barren/> (Accessed May 27, 2022).

⁴⁵NYNHP. 2022bb. *Online Conservation Guide for Pitch Pine-Oak-Heath Rocky Summit*. Available from: <https://guides.nynhp.org/pitch-pine-oak-heath-rocky-summit/> (Accessed May 27, 2022).

become more abundant. Depending on the fire regime, this community may be expressed as a mix of pitch pine, oaks, and heath species such as blueberry and huckleberry; a "scrub oak bald" with little pitch pine or heath species; or a "heath bald" with little pitch pine or oak.

The pitch pine-oak-heath rocky summit community has a state conservation status rank of S3S4, indicating that it is vulnerable in some parts of New York but secure in others. The NYNHP identified one area of pitch pine-oak-heath rocky summit in proximity to Segment 3 approximately 0.5-mile northeast of the Village of Fort Ann. It is a moderate-sized undisturbed community surrounded by natural forest located in a moderately fragmented landscape that overlooks the Project Corridor from a hilltop east of the Champlain Canal. Based on the NYSDEC publicly available data, this significant natural community is mapped within approximately 0.2 mile of the current alignment. Work in this area will be completed along the railroad ROW west of the Champlain Canal and will not impact this pitch pine-oak-heath rocky summit community.

Pine Barrens Vernal Ponds

According to the NYNHP online conservation guide⁴⁶ for pine barrens vernal pool, the general description of this community is as follows:

Pine barrens vernal ponds are open, seasonally fluctuating groundwater-fed wetlands within a pine barrens community. They often have a shallow layer of peat over sandy substrate. Some examples of this community have well-developed physiognomic zones, with floating aquatic and submerged species in the deeper sections, emergent species in the shallower water, and woody species along the perimeter. Characteristic herb species include pondweeds (Potamogeton spp.), many sedges (Carex spp., Dulichium arundinaceum, Scirpus cyperinus), marsh St. John's-wort (Triadenum virginicum), and marsh fern (Thelypteris palustris). Shrubs may include highbush blueberry (Vaccinium corymbosum), winterberry (Ilex verticillata), buttonbush (Cephalanthus occidentalis), and black chokeberry (Photinia melanocarpa).

The pine barrens vernal pool community has a state conservation status rank of S2, indicating that it is imperiled within New York. The NYNHP identified multiple areas of pine barrens vernal pool community within 0.5 mile of the current Project Corridor within Segments 4 and 5. These pine barrens vernal pools are part of a complex located within the Saratoga Sand Plains State Wildlife Management Area and adjacent private lands. Based on the NYSDEC publicly available data,

⁴⁶NYNHP. 2022cc. *Online Conservation Guide for Pine Barrens Vernal Pool*. Available from: <https://guides.nynhp.org/pine-barens-vernal-pool/> (Accessed May 27, 2022).

multiple areas are mapped within approximately 0.3 mile of the current alignment. Proposed work along the current alignment within Segments 4 and 5 will be completed along the existing railroad ROW and will not impact these pine barrens vernal pools.

Vernal Pool

According to the NYNHP online conservation guide⁴⁷ for vernal pool, the general description of this community is as follows:

Vernal pools are intermittently to ephemerally ponded, small, shallow depressions usually located within an upland forest. They are typically flooded in spring or after a heavy rainfall, but are usually dry during summer. Many vernal pools are filled again in autumn. The substrate is dense leaf litter over hydric soils. Vernal pools typically occupy a confined basin (i.e., a standing waterbody without a flowing outlet), but may have an intermittent stream flowing out of it during high water. Since vernal pools cannot support fish populations, there is no threat of fish predation on amphibian eggs or invertebrate larvae. Characteristic animals of vernal pools include species of amphibians, reptiles, crustaceans, mollusks, annelids, and insects. Vernal pool amphibians include spotted salamander (Ambystoma maculatum), blue-spotted salamander (A. laterale), Jefferson's salamander (A. jeffersonianum), marbled salamander (A. opacum), and wood frog (Rana sylvatica). Fairy shrimp are obligate vernal pool crustaceans, with Eubrachyus spp. being the most common.

The vernal pool community has a state conservation status rank of S3, indicating that it is vulnerable within New York. The NYNHP identified five areas of vernal pool community within 0.5 mile of the current Project Corridor within Segments 4 and 5. These vernal pools are part of a complex located within the Saratoga Sand Plains State Wildlife Management Area. Based on the NYSDEC publicly available data, these documented locations are mapped approximately 0.25 mile from the current alignment. Proposed work along the current alignment within Segments 4 and 5 will be completed along the existing railroad ROW and is not anticipated to impact these vernal pool communities.

Red Maple Hardwood Swamp

The NYNHP online conservation guide⁴⁸ describes red maple hardwood swamp as follows:

⁴⁷NYNHP. 2022dd. *Online Conservation Guide for Vernal Pool*. Available from: <https://guides.nynhp.org/vernal-pool/> (Accessed May 27, 2022).

⁴⁸NYNHP. 2022ee. *Online Conservation Guide for Red Maple Hardwood Swamp*. Available from: <https://guides.nynhp.org/red-maple-hardwood-swamp/> (Accessed May 27, 2022).

A hardwood swamp that occurs in poorly drained depressions, usually on inorganic soils with peat, if present, that is less than 20 cm deep. This is a broadly defined community with many variants. In any one stand red maple is either the only canopy dominant, or it is codominant with one or more hardwoods such as ash, elm, and birch. Blackgum (Nyssa sylvatica), sweetgum (Liquidambar styraciflua), and swamp white oak (Quercus bicolor) if present, are only minor associates. The shrub layer is usually well-developed and may be quite dense. The herbaceous layer may be diverse and is often dominated by ferns.

The red maple hardwood swamp community has a state conservation status rank of S3S4, indicating that it is vulnerable in some parts of New York, but apparently secure in others. Based on the Package 3 (Segments 4 and 5) NYNHP response letter, a red-maple-hardwood swamp community is located adjacent to the existing railroad from Edie Road south for 0.25 mile. This is a moderately sized red maple-hardwood swamp in very good condition. Since small portions of this significant natural community extend into the railroad ROW, the Certificate Holders will clearly flag the boundaries of this community type in the field prior to the start of construction activities. Access through or impact on the red maple-hardwood swamp community will be minimized to the extent practicable.

Hemlock-Hardwood Swamp

According to the NYNHP hemlock-hardwood swamp online conservation guide,⁴⁹ this community is described as follows:

Hemlock-hardwood swamps are closed-canopy, mixed species swamps, dominated by hemlock (Tsuga canadensis), with abundant red maple (Acer rubrum), yellow birch (Betula alleghaniensis), and blackgum (Nyssa sylvatica). They occur on mineral soils and deep muck in depressions that receive groundwater discharge. The shrub layer is typically sparse, and features any of several shrub species, including highbush blueberry (Vaccinium corymbosum), great rhododendron (Rhododendron maximum), and winterberry (Ilex verticillata). The ground layer may be sparse, and often includes cinnamon fern (Osmundastrum cinnamomeum) and sensitive fern (Onoclea sensibilis).

The hemlock-hardwood swamp community has a state conservation status rank of S3, indicating that it is vulnerable within New York. Publicly accessible NYNHP and NYSDEC publicly accessible data identified one area of hemlock-hardwood swamp (Miller Swamp) 0.5 mile southeast of the

⁴⁹NYNHP. 2022ff. *Online Conservation Guide for Hemlock-Hardwood Swamp*. Available from: <https://guides.nynhp.org/hemlock-hardwood-swamp/> (Accessed May 27, 2022).

current Project Corridor in Segments 4 and 5. Due to the distance of the current alignment from this community and construction occurring within the existing railroad ROW, no impacts to this hemlock-hardwood swamp community are anticipated.

Successional Northern Sandplain Grassland

The NYNHP online conservation guide⁵⁰ for successional northern sandplain grassland describes this community as follows:

*A meadow community that occurs on open sandplains that have been cleared and plowed (for farming or development), and then abandoned. This community is usually dominated by a low, dry turf of sedges and grasses less than 30 cm (12 inches) tall and includes patches of open sand and patches of soil covered with mosses and lichens. These grasslands are dominated grasses and sedges, such as little bluestem (*Schizachyrium scoparium*), hairgrass (*Avenella flexuosa*), Pennsylvania sedge (*Carex pensylvanica*), common poverty grass (*Danthonia spicata*), panicgrasses (*Dichanthelium acuminatum* ssp. *columbianum*, *D. linearifolium*, *D. depauperatum*), and other sedges (*Carex rugosperma*, *C. lucorum*). Characteristic herbs with low percent cover include bracken fern (*Pteridium aquilinum* var. *latiusculum*), stiff leaf aster (*Ionactis linariifolius*), butterflyweed (*Asclepias tuberosa*), round-head bushclover (*Lespedeza capitata*), whorled loosestrife (*Lysimachia quadrifolia*), and pale bluets (*Houstonia longifolia*).*

The successional northern sandplain grassland community has a state conservation status rank of S3, indicating that it is vulnerable within New York. Based on the Package 3 (Segments 4 and 5) NYNHP response letter and NYSDEC publicly accessible data, three locations of high quality successional northern sandplain grassland communities are located adjacent to the existing railroad within the Saratoga Sand Plains State Wildlife Management Area north and south of Scout Road. According to the NYNHP, these areas are small grasslands of mostly artificial origin (resulting from restoration efforts) are currently under active management. Project work in this area is proposed to stay within the existing railroad ROW and outside of the state wildlife management area. Therefore, no impacts to the successional northern sandplain grassland communities located within Saratoga Sand Plains State Wildlife Management Area are anticipated. However, since small portions of the significant natural community may extend into the railroad ROW, the Certificate Holders will clearly flag the boundaries of this community type within the limits of work prior to the start of construction activities (see Section 9.3 of the EM&CP for Segments 4 and 5 for details on avoidance and minimization). Access through or impact to the

⁵⁰NYNHP. 2022gg. *Online Conservation Guide for Successional Northern Sandplain Grassland*. Available from: <https://guides.nynhp.org/successional-northern-sandplain-grassland/> (Accessed May 27, 2022).

small portion of successional northern sandplain grassland community mapped within the railway ROW will be minimized to the extent practicable.

Appalachian Oak-Pine Forest

The NYNHP online conservation guide⁵¹ for Appalachian oak-pine forest describes this community as follows:

Appalachian oak-pine forests occur on sandy or rocky soils, on slopes, ravines, or in pine barrens. The canopy is dominated by any of several oak species (Quercus alba, Q. coccinea, Q. rubra, and Q. velutina), with white pine (Pinus strobus) making up at least 25% of the total cover. On rocky slopes, the canopy abundance of pitch pine (Pinus rigida) could be greater than that of white pine at some sites. The shrub layer is dominated by ericaceous shrubs such as lowbush blueberry (Vaccinium angustifolium, V. pallidum) and huckleberry (Gaylussacia baccata). The herbaceous layer is usually sparse and low in species diversity.

The Appalachian oak-pine community has a state conservation status rank of S4, indicating that it is uncommon within New York, but apparently secure. Based on the Package 3 (Segments 4 and 5) NYNHP response letter and NYSDEC publicly accessible data, multiple large high-quality patches of Appalachian oak-pine forest communities are located adjacent to the existing railroad within the Saratoga Sand Plains State Wildlife Management Area north and south of Scout Road, and on private land north of West Lane. Project work in this area is proposed to stay within the existing railroad ROW and outside of the state wildlife management area; therefore, there will be no impact to the majority of the Appalachian oak-pine communities. However, because small portions of this significant natural community extend into the railroad ROW, the Certificate Holders will clearly flag the boundaries of this community type within the limits of work prior to the start of construction activities (see Section 9.3 of the EM&CP for Segments 4 and 5 for details on avoidance and minimization). Access through or impact to Appalachian oak-pine forest communities will be avoided or minimized to the extent practicable.

Oak-Tulip Tree Forest

According to the NYNHP online conservation guide,⁵² oak-tulip tree forest is described as follows:

⁵¹NYNHP. 2022hh. *Online Conservation Guide for Appalachian Oak-Pine Forest*. Available from: <https://guides.nynhp.org/appalachian-oak-pine-forest/> (Accessed May 27, 2022).

⁵²NYNHP. 2022ii. *Online Conservation Guide for Oak-Tulip Tree Forest*. Available from: <https://guides.nynhp.org/oak-tulip-tree-forest/> (Accessed May 27, 2022).

Oak tulip-tree forest is a mesophytic hardwood forest community that occurs on moist, well-drained sites in southeastern New York. The dominant trees include a mixture of oaks (Quercus spp.), tulip tree (Liriodendron tulipifera), American beech (Fagus grandifolia), black birch (Betula lenta), and red maple (Acer rubrum). The subcanopy often includes flowering dogwood (Cornus florida), and common understory associates include witch hazel (Hamamelis virginiana), sassafras (Sassafras albidum), and lowbush blueberries (Vaccinium angustifolium, V. pallidum). The herb layer is moderate to sparse and may include New York fern (Thelypteris novaboracensis), white wood aster (Eurybia divaricata), and Solomon's plume (Maianthemum racemosum).

The oak-tulip tree community has a state conservation status rank of S1S2, indicating that it is critically imperiled to imperiled within New York. According to the Package 7 (Segment 12) NYNHP response letter, an oak-tulip tree forest community is located adjacent to the current Project Corridor south from the intersection of NYS Route 9W and 303 in the Town of Clarkstown and is crossed by the Project when the alignment turns sharply from the road as it heads to the Hudson River. However, a review of publicly available mapping of Significant Natural Communities indicated the latest alignment has been sited outside of the mapped oak-tulip tree community. Based on the current alignment, Segment 12 ends just west of the forest and the marine segment will be installed through HDD to avoid impacts to this community. Therefore, no impacts are to this oak-tulip forest community are anticipated due to the construction of Segment 12.

Rocky Summit Grassland

According to the NYNHP rocky summit grassland online conservation guide,⁵³ this community is described as follows:

Rocky summit grasslands occur on rocky outcrops and summits with thin soils, and are dominated by grass species such as little bluestem (Schizachyrium scoparium), tufted hairgrass (Deschampsia flexuosa), poverty-grass (Danthonia spicata, D. compressa), and Indian grass (Sorghastrum nutans). Also common are Pennsylvania sedge (Carex pensylvanica), ebony spleenwort (Asplenium platyneuron), and fragrant goldenrod (Solidago odora)... Woody species, such as red oak (Quercus rubra) and lowbush blueberry (Vaccinium pallidum, V. angustifolium), are sparse, and may be present near the community margins...

⁵³NYNHP. 2022jj. *Online Conservation Guide for Rocky Summit Grassland*. Available from: <https://guides.nynhp.org/rocky-summit-grassland/> (Accessed May 27, 2022).

The rocky summit grassland community has a state conservation status rank of S2, indicating that it is imperiled within New York. Based on the Package 7 (Segment 12) NYNHP response letter, a rocky summit grassland community occurs at High Tor State Park on the ridge overlooking the current Project Corridor. Work within Segment 12 is proposed to stay within the existing road ROW and outside of the state park, therefore, there will be no impact to this rocky summit grassland community.

6.0 Conclusions

Recent agency consultation was conducted to determine wildlife and plant species as well as significant natural communities that have the potential to be present within the Project limits. This review suggests that the current Project Corridor is likely to be dominated by common species typically found in disturbed environments adjacent to transportation ROWs, and agricultural and forest habitats. The results of the agency consultation and habitat suitability analysis are summarized in Attachment 3.

6.1 State and Federally Listed Species

Of all species and communities identified during agency consultation, particular concern was given to state or federally listed threatened and endangered species and the potential habitat available for these species within the Project's limits of construction. A total of 19 wildlife species and 8 plant species listed in New York State as threatened, endangered, or species of special concern and species of greatest conservation need have been documented in the vicinity of the current Project Corridor. An evaluation of habitat suitability for these state-listed species resulted in the determination that potential habitat may exist within the current Project Corridor for seven species including the northern long-eared bat, Indiana bat, bald eagle, timber rattlesnake, Karner blue butterfly, frosted elfin, and persius duskywing.

The Certificate Holders have implemented species-specific avoidance, minimization, and mitigation measures for these species where they occur along the Project route, as described in detail in Section 9.3 of the relevant EM&CPs. In addition, known locations of rare, threatened, or endangered plant species or significant natural communities will be identified on the EM&CP maps and construction drawings. Access through or impact to any documented rare plant locations will be avoided or minimized to the extent practicable. Per the Environmental Conservation Law §9-1503, it is a violation to collect or destroy listed plants without the permission of the landowner. Therefore, if impacts to rare, threatened, or endangered plants become unavoidable during Project design, the Certificate Holders will coordinate with the landowners for approval of any proposed clearing or disturbance.

Attachment 1

Figures

Figure 1. Project Location



CHPE EM&CP

Washington, Saratoga, Schenectady, Albany, Greene,
Rockland, Bronx, New York and Queens Counties, New York

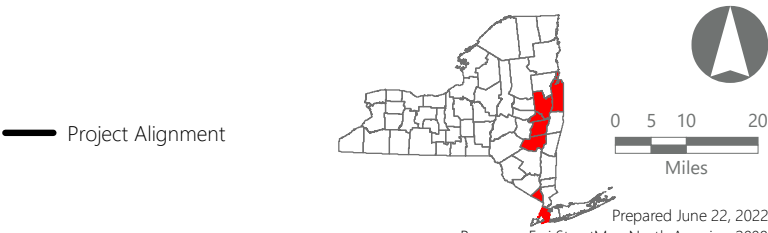


Figure 2. DEC Threatened and Endangered Species - Segment 1 (Package 1A)



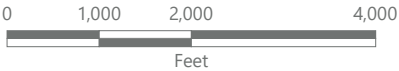
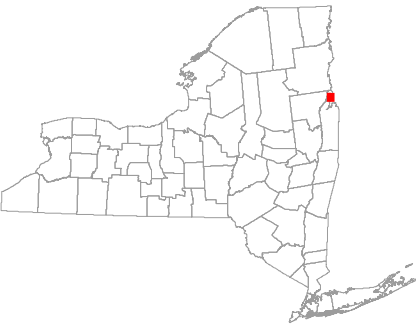
CHPE EM&CP

Washington County, New York

REDACTED

Project Components

- Segment 1
- Project Alignment



Prepared November 3, 2022
Basemap: Esri "World Imagery" map service

Figure 3. DEC Threatened and Endangered Species - Segment 2 (Package 1B)



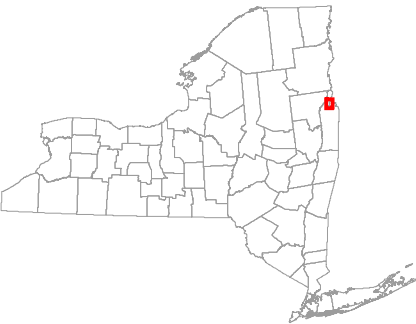
CHPE EM&CP

Washington County, New York

REDACTED

Project Components

- Segment 2
- Project Alignment



Prepared November 3, 2022
Basemap: Esri "World Imagery" map service

Figure 4. DEC Threatened and Endangered Species - Segment 3 (Package 1C and 2)

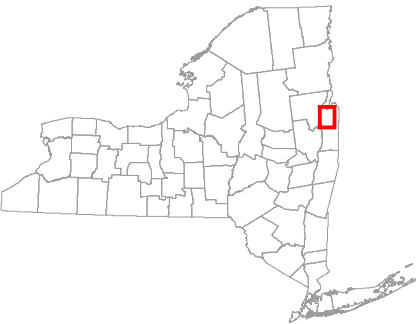


CHPE EM&CP

Washington County, New York

REDACTED

- Project Components
- Segment 3
 - Project Alignment



Prepared November 3, 2022
Basemap: Esri "World Imagery" map service

Figure 5. DEC Threatened and Endangered Species - Segment 4 (Package 3)



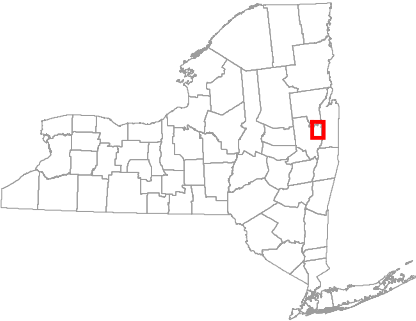
CHPE EM&CP

Saratoga and Washington Counties,
New York

REDACTED

Project Components

- Segment 4
- Project Alignment



Prepared November 3, 2022
Basemap: Esri "World Imagery" map service

Figure 6. DEC Threatened and Endangered Species - Segment 5 (Package 3)



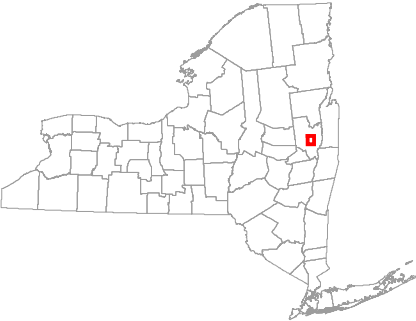
CHPE EM&CP

Saratoga and Washington Counties,
New York

REDACTED

Project Components

- Segment 5
- Project Alignment



Prepared November 3, 2022
Basemap: Esri "World Imagery" map service

Figure 7. DEC Endangered Species - Segment 6 (Package 4A)



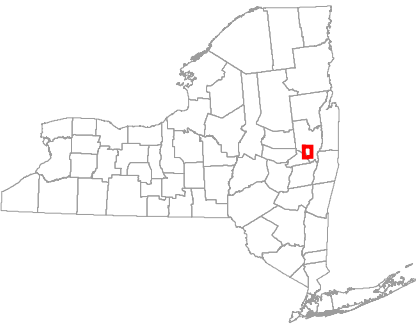
CHPE EM&CP

Saratoga and Schenectady County,
New York

REDACTED

Project Components

- Segment 6
- Project Alignment



Prepared November 3, 2022
Basemap: Esri "World Imagery" map service

Figure 8. DEC Threatened and Endangered Species - Segment 7 (Package 4B)

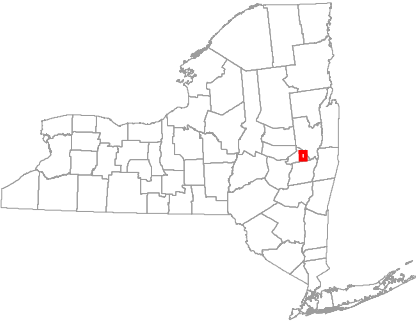


CHPE EM&CP

Schenectady County, New York

REDACTED

- Project Components
- Segment 7
 - Project Alignment



Prepared November 3, 2022
Basemap: Esri "World Imagery" map service

Figure 9. DEC Threatened and Endangered Species - Segment 8 (Package 5A)



CHPE EM&CP

Schenectady and Albany Counties,
New York

REDACTED

Project Components

- Segment 8
- Project Alignment



Prepared November 4, 2022
Basemap: Esri "World Imagery" map service

Figure 10. DEC Threatened and Endangered Species - Segment 9 (Package 5B)



CHPE EM&CP

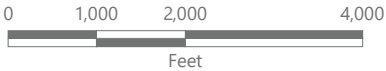
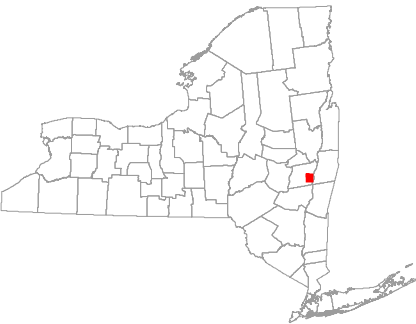
Albany County, New York

REDACTED

Project Components

Segment 9

Project Alignment



Prepared November 4, 2022
Basemap: Esri "World Imagery" map service

Figure 11. DEC Threatened and Endangered Species - Segment 10 (Package 6)



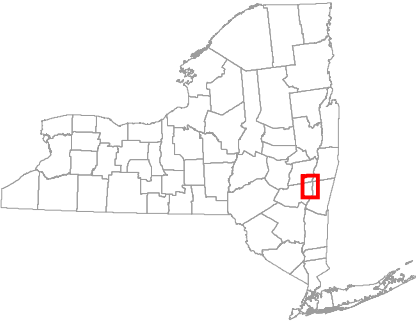
CHPE EM&CP

Albany and Greene County,
New York

REDACTED

Project Components

- Segment 10
- Project Alignment



Prepared November 4, 2022
Basemap: Esri "World Imagery" map service

Figure 12. DEC Threatened and Endangered Species - Segment 11 (Package 7A)

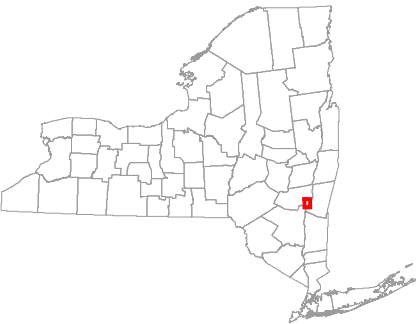


CHPE EM&CP

Greene and Ulster County,
New York

REDACTED

- Project Components
- Segment 11
 - Project Alignment



Prepared November 4, 2022
Basemap: Esri "World Imagery" map service

Figure 13. DEC Threatened and Endangered Species - Segment 12 (Package 7B)

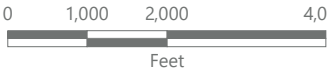
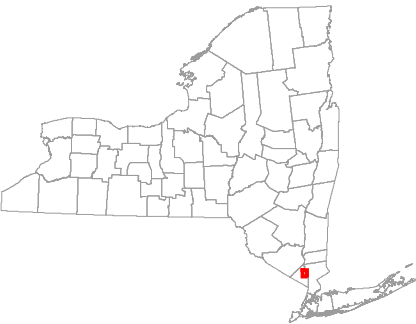


CHPE EM&CP

Rockland County, New York

REDACTED

Project Components
— Segment 12



Prepared November 4, 2022
Basemap: Esri "World Imagery" map service

Figure 14. DEC Threatened and Endangered Species - Segments 13-15 (Package 8)



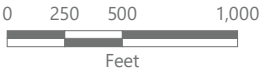
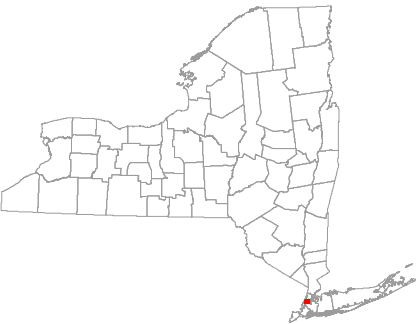
CHPE EM&CP

Bronx, New York, and Queen's
Counties, New York

REDACTED

Project Components

- Segment 13
- Segment 14
- Segment 15



Prepared November 4, 2022
Basemap: Esri "World Imagery" map service

Attachment 2

Agency Consultation



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:
Project Code: 2022-0072160
Project Name: CHPE Segments 1 and 2

August 08, 2022

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.**

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

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.

-
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. The location of the critical habitat is not available. 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.

IPaC User Contact Information

Agency: Environmental Design and Research, D.P.C

Name: Laurie Stubenrauch

Address: 217 Montgomery St.

City: Syracuse

State: NY

Zip: 13202

Email: lstubenrauch@edrdpc.com

Phone: 3154710688



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:
Project Code: 2022-0023330
Project Name: CHPE Segment 3

August 08, 2022

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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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.**

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

Project Summary

Project Code: 2022-0023330

Project Name: CHPE Segment 3

Project Type: Transmission Line - New Constr - Below Ground

Project Description: CHPE Package 1C alignment

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.517481149999995,-73.41196300034875,14z>



Counties: Washington 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.

-
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. The location of the critical habitat is not available. 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.

IPaC User Contact Information

Agency: Environmental Design and Research, D.P.C

Name: Laurie Stubenrauch

Address: 217 Montgomery St.

City: Syracuse

State: NY

Zip: 13202

Email: lstubenrauch@edrdpc.com

Phone: 3154710688



United States Department of the Interior

FISH AND WILDLIFE SERVICE
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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:
Project Code: 2022-0023311
Project Name: CHPE Package 2

August 08, 2022

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:

<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.**

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

Project Summary

Project Code: 2022-0023311

Project Name: CHPE Package 2

Project Type: Transmission Line - New Constr - Below Ground

Project Description: package 2

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.3845369,-73.48985738428587,14z>



Counties: Washington County, New York

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 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.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i>	Endangered
There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5949	

Insects

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

Critical habitats

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

IPaC User Contact Information

Agency: Environmental Design and Research, D.P.C

Name: Laurie Stubenrauch

Address: 217 Montgomery St.

City: Syracuse

State: NY

Zip: 13202

Email: lstubenrauch@edrdpc.com

Phone: 3154710688



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:
Project Code: 2022-0023321
Project Name: CHPE Segments 4 and 5

August 08, 2022

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.*).

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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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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>.

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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

Project Summary

Project Code: 2022-0023321

Project Name: CHPE Segments 4 and 5

Project Type: Transmission Line - New Constr - Below Ground

Project Description: CHPE Package 3

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.1480857,-73.70054156551865,14z>



Counties: Saratoga and Washington counties, 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.

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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. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered

Insects

NAME	STATUS
Karner Blue Butterfly <i>Lycaeides melissa samuelis</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6656	Endangered
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.

IPaC User Contact Information

Agency: Environmental Design and Research, D.P.C

Name: Laurie Stubenrauch

Address: 217 Montgomery St.

City: Syracuse

State: NY

Zip: 13202

Email: lstubenrauch@edrdpc.com

Phone: 3154710688



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:
Project Code: 2022-0023324
Project Name: CHPE Segment 6

August 08, 2022

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.**

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

Project Summary

Project Code: 2022-0023324

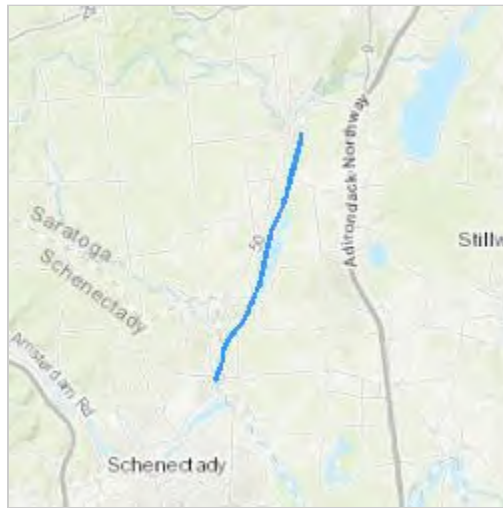
Project Name: CHPE Segment 6

Project Type: Transmission Line - New Constr - Below Ground

Project Description: CHPE Package 4A

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.9325207,-73.86631918789423,14z>



Counties: Saratoga and Schenectady counties, 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.

IPaC User Contact Information

Agency: Environmental Design and Research, D.P.C

Name: Laurie Stubenrauch

Address: 217 Montgomery St.

City: Syracuse

State: NY

Zip: 13202

Email: lstubenrauch@edrdpc.com

Phone: 3154710688



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:
Project Code: 2022-0023329
Project Name: CHPE Segment 7

August 08, 2022

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.**

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

Project Summary

Project Code: 2022-0023329

Project Name: CHPE Segment 7

Project Type: Transmission Line - New Constr - Below Ground

Project Description: CHPE Package 4B

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.8239466,-73.99479956636961,14z>



Counties: Schenectady 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.

-
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> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
Karner Blue Butterfly <i>Lycaeides melissa samuelis</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6656	Endangered
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.

IPaC User Contact Information

Agency: Environmental Design and Research, D.P.C

Name: Laurie Stubenrauch

Address: 217 Montgomery St.

City: Syracuse

State: NY

Zip: 13202

Email: lstubenrauch@edrdpc.com

Phone: 3154710688



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:

August 08, 2022

Project Code: 2022-0072221

Project Name: CHPE Package 5A - Segment 8

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.**

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

Project Summary

Project Code: 2022-0072221

Project Name: CHPE Package 5A - Segment 8

Project Type: Transmission Line - New Constr - Below Ground

Project Description: CHPE Package 5A - Segment 8

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.692402200000004,-73.95511705424119,14z>



Counties: Albany and Schenectady counties, New York

Endangered Species Act Species

There is a total of 4 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. The location of the critical habitat is not available. 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
Karner Blue Butterfly <i>Lycaeides melissa samuelis</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6656	Endangered
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.

IPaC User Contact Information

Agency: Environmental Design and Research, D.P.C

Name: Laurie Stubenrauch

Address: 217 Montgomery St.

City: Syracuse

State: NY

Zip: 13202

Email: lstubenrauch@edrdpc.com

Phone: 3154710688



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:

August 08, 2022

Project Code: 2022-0072225

Project Name: CHPE Package 5B - Segment 9

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.**

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

Project Summary

Project Code: 2022-0072225

Project Name: CHPE Package 5B - Segment 9

Project Type: Transmission Line - New Constr - Below Ground

Project Description: CHPE Package 5B - Segment 9

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.558239799999996,-73.84623632064284,14z>



Counties: Albany County, New York

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 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.

Mammals

NAME	STATUS
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.

IPaC User Contact Information

Agency: Environmental Design and Research, D.P.C

Name: Laurie Stubenrauch

Address: 217 Montgomery St.

City: Syracuse

State: NY

Zip: 13202

Email: lstubenrauch@edrdpc.com

Phone: 3154710688



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:
Project Code: 2022-0019436
Project Name: CHPE Package 6 - Segment 10

August 08, 2022

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.**

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

Project Summary

Project Code: 2022-0019436

Project Name: CHPE Package 6 - Segment 10

Project Type: Transmission Line - New Constr - Below Ground

Project Description: This submission represents the Package 6 - Segment 10 of the proposed Champlain Hudson Power Express (CHPE) Project.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.3917694,-73.81933065636107,14z>



Counties: Albany and Greene counties, 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.

-
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. The location of the critical habitat is not available. 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.

IPaC User Contact Information

Agency: Environmental Design and Research, D.P.C

Name: Laurie Stubenrauch

Address: 217 Montgomery St.

City: Syracuse

State: NY

Zip: 13202

Email: lstubenrauch@edrdpc.com

Phone: 3154710688



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:
Project Code: 2022-0072205
Project Name: CHPE Package 7A - Segment 11

August 08, 2022

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.**

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

Project Summary

Project Code: 2022-0072205

Project Name: CHPE Package 7A - Segment 11

Project Type: Transmission Line - New Constr - Below Ground

Project Description: CHPE Package 7A - Segment 11

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.195681449999995,-73.90007447443676,14z>



Counties: Greene 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.

-
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. The location of the critical habitat is not available. 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.

IPaC User Contact Information

Agency: Environmental Design and Research, D.P.C

Name: Laurie Stubenrauch

Address: 217 Montgomery St.

City: Syracuse

State: NY

Zip: 13202

Email: lstubenrauch@edrdpc.com

Phone: 3154710688



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:

August 08, 2022

Project Code: 2022-0072199

Project Name: CHPE Package 7B - Segment 12

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: 2022-0072199
Project Name: CHPE Package 7B - Segment 12
Project Type: Transmission Line - New Constr - Below Ground
Project Description: CHPE Package 7B - Segment 12
Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.200006599999995,-73.98292055221586,14z>



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.	Breeds Sep 1 to Aug 31
Black Skimmer <i>Rynchops niger</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5234	Breeds May 20 to Sep 15

NAME	BREEDING SEASON
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
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
Blue-winged Warbler <i>Vermivora pinus</i> 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
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 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
Golden Eagle <i>Aquila chrysaetos</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/1680	Breeds elsewhere
Golden-winged Warbler <i>Vermivora chrysoptera</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8745	Breeds May 1 to Jul 20
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
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere

NAME	BREEDING SEASON
Long-eared Owl <i>asio otus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3631	Breeds Mar 1 to Jul 15
Northern Saw-whet Owl <i>Aegolius acadicus acadicus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Mar 1 to Jul 31
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
Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Ruddy Turnstone <i>Arenaria interpres morinella</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
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 (|)

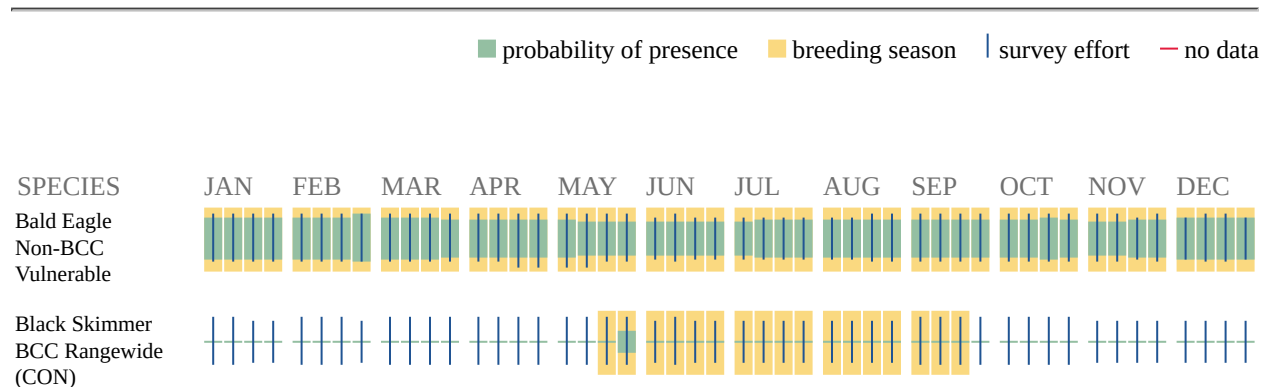
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

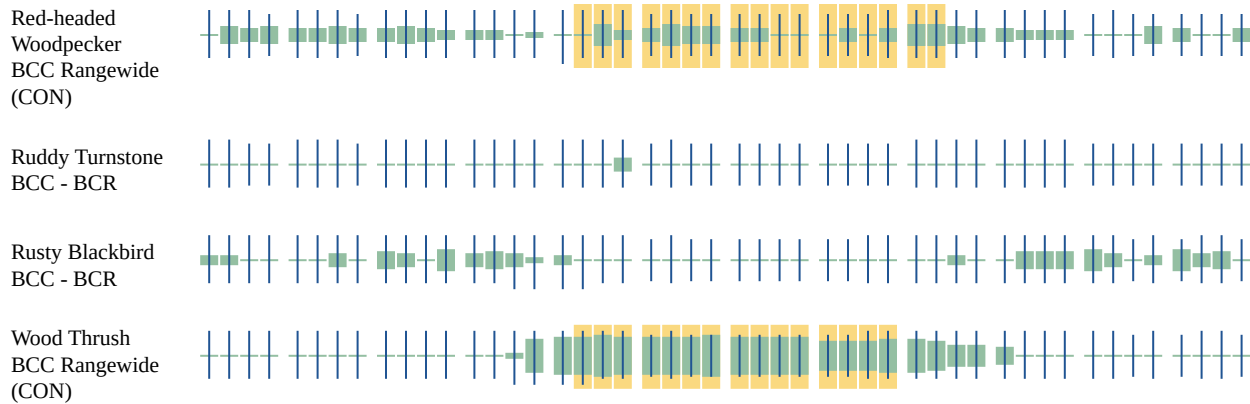
A week is marked as having no data if there were no survey events for that week.

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.







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 to 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.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

IPaC User Contact Information

Agency: Environmental Design and Research, D.P.C

Name: Laurie Stubenrauch

Address: 217 Montgomery St.

City: Syracuse

State: NY

Zip: 13202

Email: lstubenrauch@edrdpc.com

Phone: 3154710688



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
Phone: (631) 286-0485 Fax: (631) 286-4003



In Reply Refer To:

August 08, 2022

Project Code: 2022-0072194

Project Name: CHPE Package 8 - Segments 13, 14, and 15

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.

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:

Long Island Ecological Services Field Office

340 Smith Road

Shirley, NY 11967-2258

(631) 286-0485

Project Summary

Project Code: 2022-0072194
Project Name: CHPE Package 8 - Segments 13, 14, and 15
Project Type: Transmission Line - New Constr - Below Ground
Project Description: CHPE Package 8 - Segments 13, 14, and 15
Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@40.7960099,-73.9135944,14z>



Counties: Bronx , New York , and Queens counties, New York

Endangered Species Act Species

There is a total of 5 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.

Birds

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
Roseate Tern <i>Sterna dougallii dougallii</i> Population: Northeast U.S. nesting population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2083	Endangered

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

Flowering Plants

NAME	STATUS
Seabeach Amaranth <i>Amaranthus pumilus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8549	Threatened

Critical habitats

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

IPaC User Contact Information

Agency: Environmental Design and Research, D.P.C

Name: Laurie Stubenrauch

Address: 217 Montgomery St.

City: Syracuse

State: NY

Zip: 13202

Email: lstubenrauch@edrdpc.com

Phone: 3154710688

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

March 25, 2022

Nicole Frazer
CHA
III Winners Circle
Albany, NY 12205

Re: Champlain Hudson Power Express - Phase 1 - Packages 1A, 1B, 1C

County: Washington Town/City: Dresden, Putnam, Whitehall

Dear Nicole Frazer:

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 5 Office, Division of Environmental Permits, at dep.r5@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 your project, please contact the Permits staff at the NYSDEC Region 5 Office at dep.r5@dec.ny.gov, (518) 623-1286.

The following species has been documented within 1/2 mile of the project site near Putnam Station.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING
Birds			
Bald Eagle <i>Breeding</i>	<i>Haliaeetus leucocephalus</i>	Threatened	12657

The following species has been documented within 1/3 mile of the project site in the Town of Putnam. Individual animals may travel 1.5 miles from documented locations.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING
Reptiles			
Timber Rattlesnake	<i>Crotalus horridus</i>	Threatened	8859

The following species has been documented in the Town of Dresden within 2.5 miles of the project site and in the Town of Hague within 4 miles of the project site. Individual animals may travel 5 miles from documented locations. The main impact of concern is the cutting or removal of potential roost trees.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING
Mammals			
Northern Long-eared Bat <i>Hibernacula</i>	<i>Myotis septentrionalis</i>	Threatened	14206

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, 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.



**The following rare plants, rare animals, and significant natural communities
have been documented at the project site, or in its vicinity.**

We recommend that potential impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQRA. Field surveys of the project site may be necessary to determine whether a species currently occurs at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following natural communities are considered significant from a statewide perspective by the NY Natural Heritage Program. Each community is either an example of a community type that is rare in the state, or a high-quality example of a more common community type. By meeting specific, documented criteria, the NY Natural Heritage Program considers these community occurrences to have high ecological and conservation value.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
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Upland/Terrestrial Communities

Red Cedar Rocky Summit

High Quality Occurrence of
Uncommon Community Type

12930 Documented within 100 yards of the project site in the Town of Dresden. Patches occur on either side of Route 22 in the northern portion of the Town of Dresden. This is a relatively small red cedar rocky summit, near its northern limit for this type, in very good condition within a very large, good quality forested landscape.

Wetland/Aquatic Communities

Deep Emergent Marsh

High Quality Occurrence of
Uncommon Community Type

3049 Enormous marsh complex occupying 50% of the upper portion of Lake Champlain with excellent native species diversity and one or more large cores with minimal disturbances, but with several cores with high concentration of invasive exotics.

Silver Maple-Ash Swamp

High Quality Occurrence of
Uncommon Community Type

10514 A narrow strip along the west shore of Lake Champlain near Chubb's Dock in the Town of Dresden. Exotics present, but not abundant.

The following plants are listed as Endangered or Threatened by New York State, and/or are rare in New York State, and so are a vulnerable natural resource of conservation concern.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS	
Hill's Pondweed	<i>Potamogeton hillii</i>	Threatened	Imperiled in NYS and Globally Uncommon	
Documented at the project site near Route 22 and B Lane near the border between the Towns of Dresden and Putnam. 1999-08-12: A beaver pond and small streamlets with sluggish water and muddy full exposures.				2263
Lake Water Cress	<i>Rorippa aquatica</i>	Threatened	Imperiled in NYS	
Documented within 1/4 mile east of the project site near Dresden. 1987-07-16: Rock piles along lakeward side of the railroad with loads of Trapa. Rocks and the railroad embankment near emergent marsh covered with Trapa.				9495

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).

Information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org. For descriptions of all community types, go to www.dec.ny.gov/animals/29384.html for Ecological Communities of New York State.

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

April 1, 2022

Nicole Frazer
CHA
III Winners Circle
Albany, NY 12205

Re: Champlain Hudson Power Express - Phase 2 - Package 2
County: Washington Town/City: Fort Ann, Hartford, Kingsbury

Dear Nicole Frazer:

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 NYSDEC Division of Environmental Permits.

Sincerely,



Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program



The following state-listed animals have been documented along the Champlain-Hudson Power Express Phase 2 Package 2 alignment.

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, contact the NYSDEC Division of Environmental Permits.

The following species has been documented at two locations near the project alignment in the Lake Champlain Canal in the Town of Kingsbury.

COMMON NAME	SCIENTIFIC NAME	NYS STATE LISTING	FEDERAL LISTING
Fish			

Eastern Sand Darter	<i>Ammocrypta pellucida</i>	Threatened	12842
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In the Lake Champlain Canal at Smiths Basin and at Lock 9, both within 160 yards of the alignment.

The following species has been documented nesting within 1/3 mile of the project alignment.

COMMON NAME	SCIENTIFIC NAME	NYS STATE LISTING	FEDERAL LISTING
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Threatened	17280

East of the project alignment and south of Smiths Basin and Big Creek, Town of Kingsbury.

The following species has been documented breeding along Dike Road about 150 yards from the project alignment, northeast of Dunham Basin in the Town of Kingsbury.

COMMON NAME	SCIENTIFIC NAME	NYS STATE LISTING	FEDERAL LISTING
Northern Harrier <i>Breeding</i>	<i>Circus hudsonius</i>	Threatened	6447

The following species have been documented at the Fort Edward Grasslands, a state significant Raptor Winter Concentration Area. The mapped area extends to within 1/3 mile of the project alignment northeast of Dunham Basin in the Town of Kingsbury.

COMMON NAME	SCIENTIFIC NAME	NYS STATE LISTING	FEDERAL LISTING
Short-eared Owl <i>Wintering</i>	<i>Asio flammeus</i>	Endangered	2444
Northern Harrier <i>Wintering</i>	<i>Circus hudsonius</i>	Threatened	7292

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

Information about many of the listed animals 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.



The following rare animals and significant natural communities have been documented along the Champlain-Hudson Power Express Phase 2 alignment.

We recommend that potential impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQRA. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following animals, while not listed by New York State as Endangered or Threatened, are rare in New York and are of conservation concern.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
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Fish

Bridle Shiner

Notropis birenatus

Unlisted

Imperiled in NYS

and Globally Uncommon

Comstock, Town of Fort Ann, 2008-08-08: Found adjacent to the project alignment where the alignment abuts the railroad, in an unnamed body of water approximately .6 mile south of Comstock, between US Route 4 and the railroad tracks.

Dragonflies and Damselflies

Umbur Shadowdragon

Neurocordulia obsleta

Unlisted

Critically Imperiled in NYS

Champlain Canal, Town of Fort Ann, 2009-06-24: Found in the project alignment in the Champlain Canal at Lock 11.

The following natural community is considered significant from a statewide perspective by the NY Natural Heritage Program. As a high-quality example of an uncommon community type, this community occurrence has high ecological and conservation value.

COMMUNITY NAME

HERITAGE CONSERVATION STATUS

Pitch Pine-Oak-Heath Rocky Summit

High Quality Occurrence of Uncommon Community Type

Summit of Curtis Hill, 1/2 mile northeast of the village of Fort Ann, overlooking the project alignment. Moderate-sized undisturbed occurrence surrounded by natural forest, but in a moderately fragmented landscape.

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.

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.plants.usda.gov/index.html](http://plants.usda.gov/index.html) (for plants). Information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org. For descriptions of all community types, go to www.dec.ny.gov/animals/97703.html for Ecological Communities of New York State.

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

April 11, 2022

Nicole Frazer
CHA
III Winners Circle
Albany, NY 12205

Re: Champlain Hudson Power Express - Phase 2 - Package 3, Fort Edward to Milton
County: Saratoga, Washington

Dear Nicole Frazer:

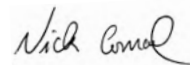
In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

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

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



The following state-listed animals have been documented along the Champlain-Hudson Power Express Phase 2 Package 3 alignment.

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, contact the NYSDEC Division of Environmental Permits.

The following species have been documented within .5 mile of the project alignment in many locations in the Town of Wilton and the City of Saratoga Springs.

The first two species have been documented directly along the railroad serving as the route of the alignment between Geyser Road and Geyser Creek in the City of Saratoga Springs.

All three species have been documented directly along the railroad serving as the route of the alignment as it runs through the Saratoga Sand Plains State Wildlife Management Area (Wilton Wildlife Preserve) and its vicinity in Wilton.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING
Butterflies			
Karner Blue	<i>Plebejus melissa samuelis</i>	Endangered	Endangered
Frosted Elfin	<i>Callophrys irus</i>	Threatened	
Persius Duskywing	<i>Erynnis persius persius</i>	Endangered	

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

Information about many of the listed animals 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.



The following rare plants, rare animals, and significant natural communities have been documented along the Champlain-Hudson Power Express Phase 2 Package 3 alignment.

We recommend that potential impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQR. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

From Ballard Road to southwest of Edie Road in the Town of Wilton, the project alignment railroad runs through the Saratoga Sand Plains State Wildlife Management Area (Wilton Wildlife Preserve). The following animals and natural communities are documented within .5 mile of the project alignment, either in the Wildlife Management Area or in its vicinity.

The animals in this report, while not listed by New York State as Endangered or Threatened, are rare in New York and are of conservation concern.

The natural communities in this report are considered significant from a statewide perspective by the NY Natural Heritage Program. Each community is either an example of a community type that is rare in the state, or a high-quality example of a more common community type. By meeting specific, documented criteria, the NY Natural Heritage Program considers these community occurrences to have high ecological and conservation value.

A GIS layer of Natural Heritage significant natural communities is available from the NYS GIS Clearinghouse at <http://gis.ny.gov/gisdata/inventories/details.cfm?DSID=1241>.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
Amphibians			
Eastern Spadefoot	<i>Scaphiopus holbrookii</i>	Special Concern	Imperiled in NYS
2019: The metamorphs were observed in a drying Pine Barrens Vernal Pool with tussock sedge, spirea, and gray birch and adjacent small wooded patches of mixed hardwoods with white oak, red oak, black oak, alder, white pine, and small grassy openings nearby. The soil is sandy and a few smaller vernal pools are present.			12397
Dragonflies and Damselflies			
Lyre-tipped Spreadwing	<i>Lestes unguiculatus</i>	Unlisted	Imperiled in NYS
2008-07-26: Vernal pool complex at Wilton Wildlife Preserve.			14695
Spatterdock Darner	<i>Rhionaeschna mutata</i>	Unlisted	Imperiled in NYS
2010-07-05: Four vernal ponds.			13569

COMMON NAME

HERITAGE CONSERVATION STATUS

Wetland/Aquatic Communities

Pine Barrens Vernal Pond

High Quality Occurrence of Rare Community Type

A moderate-sized pond system in very good condition within a good to fair landscape that is undergoing positive restoration efforts.

11609

Vernal Pool

High Quality Occurrence of Uncommon Community Type

This vernal pool complex is of moderate size and within a well protected, good quality landscape.

13560

Red Maple-Hardwood Swamp

High Quality Occurrence of Uncommon Community Type

Adjacent to west side of railroad from Edie Road south for 1/4 mile. This a moderately sized red maple-hardwood swamp in very good condition within a good landscape.

13557

Red Maple-Hardwood Swamp

High Quality Occurrence of Uncommon Community Type

This is a relatively small occurrence within a well protected landscape that is undergoing restoration efforts.

13563

Hemlock-Hardwood Swamp

High Quality Occurrence of Uncommon Community Type

Miller Swamp: This is a relatively large hemlock-hardwood swamp in good condition within a good quality landscape.

13553

Upland/Terrestrial Communities

Pitch Pine-Scrub Oak Barrens

High Quality Occurrence of Rare Community Type
and Globally Rare

The community is relatively small but in good condition within a good to fair landscape that is undergoing positive restoration efforts.

13550

Successional Northern Sandplain Grassland

High Quality Occurrence of Uncommon Community Type

Adjacent to railroad on State Wildlife Management Area north and south of Scout Road. This is a relatively small grassland of mostly artificial origin via restoration efforts, but may include remnant patches of natural origin, in a protected, good quality landscape that is under active management. These grasslands may succeed to pitch pine-scrub oak barrens in the future.

13554

Appalachian Oak-Pine Forest

High Quality Occurrence

Adjacent to railroad on State Wildlife Management Area north and south of Scout Road, and on private land north of West Lane. This Appalachian oak-pine matrix forest is in good condition and occurs in large patches in the Saratoga Sandplains landscape.

13565

The following plants are listed as Endangered or Threatened by New York State, and are a vulnerable natural resource of conservation concern.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
Plants			
Goldenseal	<i>Hydrastis canadensis</i>	Threatened	Imperiled in NYS

Documented .2 mile from project alignment between Wilton-Greenfield Town Line and Clinton Street, in a beech-maple mesic forest on a fairly steep, rocky, terraced slope. 2715

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.

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.

Information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org. For descriptions of all community types, go to www.dec.ny.gov/animals/97703.html for Ecological Communities of New York State.

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www.dec.ny.gov

April 15, 2022

Nicole Frazer
CHA
III Winners Circle
Albany, NY 12205

Re: Champlain Hudson Power Express - Phase 2 - Package 4
County: Saratoga, Schenectady Town/City: Ballston, Clifton Park, Glenville, Rotterdam

Dear Nicole Frazer:


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 along the project alignment or in its vicinity.

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



The following state-listed animals have been documented along the Champlain-Hudson Power Express Phase 2 Package 4 alignment.

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, contact the NYSDEC Division of Environmental Permits.

The following species has been documented nesting within .2 mile of the project alignment in the Town of Ballston, Saratoga County; and within .5 mile of the project alignment in the Town of Glenville, Schenectady County.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING
Birds			
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Threatened	
<i>Breeding</i>			

This report only includes records from the NY Natural Heritage database. Information about many of the listed animals 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.



The following rare plants have been documented directly on the Champlain-Hudson Power Express Phase 2 Package 4 alignment.

We recommend that potential impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQRA. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following plant is listed as Endangered or Threatened by New York State, and so is a vulnerable natural resource of conservation concern.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
Side Oats Grama	<i>Bouteloua curtipendula</i> var. <i>curtipendula</i>	Endangered	Imperiled in NYS

Wyatts Riverside Bluffs, including directly on the project alignment where it turns 90 degrees to cross the Mohawk River in the Town of Glenville, Schenectady County, between the railroad tracks and the river, 2005-08-09: This is an area of dry glacial till and calcareous Mohawk conglomerate forming bluffs along the Mohawk River. The banks along the river are very steep with exposed soil and weedy vegetation. The slopes are south-facing and very hot and dry in the sun. On top of the bluffs the land is level with an assortment of roads, railroads, buildings and quarries. The vegetation includes dry roadsides and fields and a few patches of woods.

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.

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.

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

April 15, 2022

Nicole Frazer
CHA
III Winners Circle
Albany, NY 12205

Re: Champlain Hudson Power Express - Phase 2 - Package 5
County: Albany, Schenectady Town/City: Bethlehem, Guilderland, New Scotland, Rotterdam

Dear Nicole Frazer:

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 along the project alignment or in its vicinity.

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



The following state-listed animals have been documented along the Champlain-Hudson Power Express Phase 2 Package 5 alignment.

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, contact the NYSDEC Division of Environmental Permits.

The following species have been documented breeding within .5 mile of the project alignment.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Threatened	
Town of Guilderland, Albany County			
Least Bittern	<i>Ixobrychus exilis</i>	Threatened	
Towns of Guilderland and New Scotland, Albany County			

Throughout most of its route through Albany County, the project alignment is within 5 miles of one or more documented locations of the following species. Individual bats may travel 5 miles from documented locations.

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

Part of the project alignment in the Towns of Bethlehem and Coeymans in Albany County is within 2.5 miles of a documented location of the following species. Individual bats may travel 2.5 miles from documented locations.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING
Indiana Bat	<i>Myotis sodalis</i>	Endangered	
<i>Hibernaculum</i>			

This report only includes records from the NY Natural Heritage database. Information about many of the listed animals 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.



The following rare plant has been documented along the Champlain-Hudson Power Express Phase 2 Package 5 alignment.

We recommend that potential impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQRA. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following plant is listed as Endangered or Threatened by New York State, and so is a vulnerable natural resource of conservation concern.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
Side Oats Grama	<i>Bouteloua curtipendula</i> var. <i>curtipendula</i>	Endangered	Imperiled in NYS
Rotterdam Sand Springs, east of North Thompson Street, .5 mile east of the project alignment, 2005-08-09: The plants are in an old sand pit with bluffs on the south side curving around on the west side. Limey springs emanate from the base of these bluffs and run through the area forming wetlands that totals just over 12.4 acres. The wetland areas are principally <i>Phragmites</i> , but there are openings with large stands of <i>Equisetum variegatum</i> . In the sandy areas there is <i>Equisetum hyemale</i> , <i>Populus deltoides</i> , <i>Salix</i> sp., Russian olive, <i>Schizachyrium scoparium</i> , <i>Monarda fistulosa</i> , <i>Agalinis tenuiflora</i> .			

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.

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.

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

April 15, 2022

Nicole Frazer
CHA
III Winners Circle
Albany, NY 12205

Re: Champlain Hudson Power Express - Phase 2 - Package 6
County: Albany, Greene Town/City: Athens, Coeymans, Cossack, New Baltimore

Dear Nicole Frazer:

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 along the project alignment or in its vicinity.

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



The following state-listed animals have been documented along the Champlain-Hudson Power Express Phase 2 Package 6 alignment.

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, contact the NYSDEC Division of Environmental Permits.

For most of its route in the Town of Coxsackie, Greene County, the project alignment runs through the Coxsackie Flats, a state-significant Raptor Winter Concentration Area. The following birds have been documented wintering at Coxsackie Flats.

COMMON NAME	SCIENTIFIC NAME	NYS STATE LISTING	FEDERAL LISTING
Short-eared Owl	<i>Asio flammeus</i>	Endangered	
Wintering			
Northern Harrier	<i>Circus hudsonius</i>	Threatened	
Wintering			

The following species have been documented breeding near the project alignment.

COMMON NAME	SCIENTIFIC NAME	NYS STATE LISTING	FEDERAL LISTING
King Rail	<i>Rallus elegans</i>	Threatened	
Town of Coxsackie, Greene County, within 1/3 mile of alignment.			
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Threatened	
Town of Catskill, Greene County, within 3/4 mile of alignment.			

Part of the project alignment in the Towns of Athens and Catskill in Greene County is within 5 miles of a documented location of the following species. Individual bats may travel 5 miles from documented locations.

COMMON NAME	SCIENTIFIC NAME	NYS STATE LISTING	FEDERAL LISTING
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Threatened	
Wintering			

Part of the project alignment in the Towns of Bethlehem and Coeymans in Albany County is within 2.5 miles of a documented location of the following species. Individual bats may travel 2.5 miles from documented locations.

COMMON NAME	SCIENTIFIC NAME	NYS STATE LISTING	FEDERAL LISTING
Indiana Bat	<i>Myotis sodalis</i>	Endangered	
Wintering			



The following rare plant has been documented near the Champlain-Hudson Power Express Phase 2 Package 6 alignment.

We recommend that potential impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQRA. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following plant is listed as Endangered or Threatened by New York State, and so is a vulnerable natural resource of conservation concern.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
Stiff Flat-topped Goldenrod	<i>Solidago rigida</i> var. <i>rigida</i>	Threatened	Imperiled in NYS
West Athens, large area from .2 to .5 mile west of project alignment, north and east of junction of County Route 28 (Schoharie Turnpike) and NY Route 9W, and east of a powerline, Town of Athens, Greene County, 2005-09-14: An old field, dominated by shrubs and herbs. Mostly flat, with wet and dry sections. Some purple loosesstrife is invading in the wet areas. The area is dominated by <i>Aster dumosus</i> in October.			

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.

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.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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625 Broadway, Fifth Floor, Albany, NY 12233-4757
P: (518) 402-8935 | F: (518) 402-8925
www.dec.ny.gov

April 15, 2022

Nicole Frazer
CHA
III Winners Circle
Albany, NY 12205

Re: Champlain Hudson Power Express - Phase 2 - Package 7
County: Greene Town/City: Catskill

Dear Nicole Frazer:

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 along the project alignment or in its vicinity.

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



The following state-listed animals have been documented along the Champlain-Hudson Power Express Phase 2 Package 7 alignment.

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, contact the NYSDEC Division of Environmental Permits.

The following species has been documented nesting at several locations in the Town of Catskill from .25 mile to one mile from the project alignment.

COMMON NAME	SCIENTIFIC NAME	NYS STATE LISTING	FEDERAL LISTING
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Threatened	
Breeding			

Part of the project alignment in the Towns of Athens and Catskill in Greene County is within 5 miles of a documented location of the following species. Individual bats may travel 5 miles from documented locations.

COMMON NAME	SCIENTIFIC NAME	NYS STATE LISTING	FEDERAL LISTING
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Threatened	Threatened
Hibernaculum			

The following species are found in the Hudson River, including at the southern terminus of this package of the project alignment.

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

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

Information about many of the listed animals 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.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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www.dec.ny.gov

April 22, 2022

Nicole Frazer
CHA
III Winners Circle
Albany, NY 12205

Re: Champlain Hudson Power Express - Phase 2 - Package 7a
County: Rockland Town/City: Clarkstown, Haverstraw, Stony Point

Dear Nicole Frazer:

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 along the project alignment or in its vicinity.

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

The following state-listed animals have been documented along the Champlain-Hudson Power Express Phase 2 Package 7a alignment.

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

For more information, including any permit considerations for the project, contact the NYSDEC Division of Environmental Permits.

The following species has been documented nesting within one mile of the project alignment, or closer, in several locations in the Towns of Stony Point, Haverstraw, and Clarkstown.

COMMON NAME	SCIENTIFIC NAME	NYS STATE LISTING	FEDERAL LISTING
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Threatened	

Nesting within 125 yards of the project alignment in the Town of Stony Point.
Nesting within one mile of the project alignment in the Town of Haverstraw.
Nesting within 1/4 mile of the project alignment in the Town of Clarkstown, and within 200 yards of the southern entry of the alignment into the Hudson River.

Stony Point and the adjacent Hudson River are documented regular locations for wintering bald eagles.

The following species have been documented in the Hudson River, at both ends of the project alignment.

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

This stretch of the Hudson River has also been documented as supporting overwintering juvenile shortnose sturgeon.

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

Information about many of the listed animals 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.



The following rare plants and significant natural communities have been documented along the Champlain-Hudson Power Express Phase 2 Package 7a alignment.

We recommend that potential impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQRA. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following plants are listed as Endangered or Threatened by New York State, and are a vulnerable natural resource of conservation concern.

The following natural communities are considered significant from a statewide perspective by the NY Natural Heritage Program. Each community is either an example of a community type that is rare in the state, or a high-quality example of a more common community type. By meeting specific, documented criteria, the NY Natural Heritage Program considers these community occurrences to have high ecological and conservation value.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
Oak-Tulip Tree Forest			Rare Community Type

3150 Adjacent to the project alignment south from the intersection of NYS Routes 9W and 303 in the Town of Clarkstown; then when the project alignment turns sharply from the road, it crosses through parts of the forest at it heads to the Hudson River, and the forest occupies the river shore at the alignment's entry to the river. This is a mature forest of moderate size with several nice, large tree patches within a roughly 1600 acre natural area (not including the adjacent river) along the west bank of the lower Hudson River.

The following natural community and rare plants occur at High Tor State Park on the ridge overlooking the project alignment. High Tor: Very diverse, good native species composition and moderate impact from trails. This occurrence is comprised of many small patches, regularly spaced along a diabase (traprock) ridge/line. There are few exotics. The landscape is relatively mature and in good condition.

Basil Mountain Mint	<i>Pycnanthemum clinopodioides</i>	Endangered	Critically Imperiled in NYS and Globally Rare	5186
High Tor, 2011-08-18: The plants are found on a south-facing slope in a rocky summit grassland and Appalachian oak-hickory forest (growing mainly in the woodland) on trap rock in the Palisades.				

Torrey's Mountain Mint	<i>Pycnanthemum torreyi</i>	Endangered	Critically Imperiled in NYS and Globally Rare	5134
High Tor, 2011-08-18: The plants are found on a south-facing slope in a rocky summit grassland and Appalachian oak-hickory forest (growing mainly in the woodland) on trap rock in the Palisades.				

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.

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).

Information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org. For descriptions of all community types, go to www.dec.ny.gov/animals/97703.html for Ecological Communities of New York State.

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

April 22, 2022

Nicole Frazer
CHA
III Winners Circle
Albany, NY 12205

Re: Champlain Hudson Power Express - Phase 2 - Package 8
County: Bronx, Queens Town/City: City Of New York

Dear Nicole Frazer:

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

We have no records of rare or state-listed animals or plants, or significant natural communities directly on the project alignment.

Within .5 mile of the project alignment in Bronx County is a documented nesting location of **Peregrine Falcon** (*Falco peregrinus*, NYS-listed as Endangered). For information about any permit considerations for your project, please contact the NYSDEC Division of Environmental Permits.

For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on 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 resources may be required to fully assess impacts on biological resources.

For information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYSDEC Division of Environmental Permits.

Sincerely,



Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program

Attachment 3

Summary of RTE Species and Significant Natural Communities Along Project Corridor

RTE Wildlife Species Documented along Project Corridor																					
Species	NYSDEC Mapped ESA #	Status	Overland Segments of Project Corridor																Suitable Habitat Present within LOW	AMM Measures	
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Source			
Monarch Butterfly		Fed-Candidate	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	USFWS Official Species Lists	All Segments	None required under Section 7 ESA.	
Bald Eagle	ESA 1	NYS-T, Fed-MBT	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	NYSDEC Mapping; NYNHP Letters; USFWS Official Species List	Segments 1, 2, 7, 8, 9, 10, 11, and 12	See Section 9.3 of the relevant EM&CPs.	
Northern Long-eared Bat	ESA 9	NYS-T Fed-T	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	No	No	No	No	NYNHP Letter; USFWS Official Species List; NYSDEC Mapping	Segments 1, 3, 8, 9, 10, and 11	See Section 9.3 of the relevant EM&CPs.	
Timber Rattlesnake	ESA 14	NYS-T	Yes	No	Yes	No	No	No	No	No	No	No	No	No	No	No	No	NYSDEC Mapping; NYNHP Letters	Segments 1 and 3	See Section 9.3 of the relevant EM&CPs.	
Eastern Sand Darter	ESA 2	NYS-T	No	No	Yes	No	No	No	No	No	No	No	No	No	No	No	No	NYSDEC Mapping; NYNHP Letters	None	100% Avoidance	
Bridle Shiner		NYS-Unlisted, Imperiled in NYS	No	No	Yes	No	No	No	No	No	No	No	No	No	No	No	No	NYNHP letter	None	100% Avoidance	
Umber Shadowdragon		NYS-Unlisted, Imperiled in NYS	No	No	Yes	No	No	No	No	No	No	No	No	No	No	No	No	NYNHP letter	None	100% Avoidance	

RTE Wildlife Species Documented along Project Corridor																				
Species	NYSDEC Mapped ESA #	Status	Overland Segments of Project Corridor															Suitable Habitat Present within LOW	AMM Measures	
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15			Source
Short-eared Owl	ESA 12	NYS-E	No	No	Yes	No	No	No	No	No	No	Yes	No	No	No	No	No	NYSDEC Mapping; NYNHP Letters	Segment 10	See Section 9.3 of the relevant EM&CPs.
Northern Harrier	ESA 8	NYS-T	No	No	Yes	No	No	No	No	No	No	Yes	No	No	No	No	No	NYSDEC Mapping; NYNHP Letters	Segment 10	See Section 9.3 of the relevant EM&CPs.
Karner Blue Butterfly	ESA 5	NYS-E Fed-E	No	No	No	Yes	Yes	No	Yes	Yes	No	No	No	No	No	No	No	NYSDEC Mapping; NYNHP Letters; USFWS Official Species List	Segments 4 and 5	See Section 9.3 of the relevant EM&CPs.
Frosted Elfin	ESA 3	NYS-T	No	No	No	Yes	Yes	No	No	No	No	No	No	No	No	No	No	NYSDEC Mapping; NYNHP Letters; USFWS Official Species List	Segments 4 and 5	See Section 9.3 of the relevant EM&CPs.
Persius Duskywing	ESA 11	NYS-E	No	No	No	Yes	No	No	No	No	No	No	No	No	No	No	No	NYSDEC Mapping; NYNHP Letters	Segment 4	See Section 9.3 of the relevant EM&CPs.
Eastern Spadefoot		NYS-SC	No	No	No	Yes	Yes	No	No	No	No	No	No	No	No	No	No	NYNHP letter	None	100% Avoidance
Lyre-tipped Spreadwing		NYS-Unlisted, Imperiled in NYS	No	No	No	Yes	Yes	No	No	No	No	No	No	No	No	No	No	NYNHP letter	None	100% Avoidance
Spatterdock Darner		NYS-Unlisted, Imperiled in NYS	No	No	No	Yes	Yes	No	No	No	No	No	No	No	No	No	No	NYNHP letter	None	100% Avoidance

RTE Wildlife Species Documented along Project Corridor																				
Species	NYSDEC Mapped ESA #	Status	Overland Segments of Project Corridor																Suitable Habitat Present within LOW	AMM Measures
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Source		
Indiana Bat	ESA 4	NYS-EFed-E	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	No	No	No	NYSDEC Mapping; NYNHP Letters; USFWS Official Species List	Segments 9 and 10	See Section 9.3 of the relevant EM&CPs.
Least Bittern	ESA 7	NYS-T	No	No	No	No	No	No	No	Yes	No	No	No	No	No	No	No	NYSDEC Mapping; NYNHP Letters	None	100% Avoidance
King Rail	ESA 6	NYS-T	No	No	No	No	No	No	No	No	No	Yes	No	No	No	No	No	NYSDEC Mapping; NYNHP Letters	None	100% Avoidance
Shortnose Sturgeon	ESA 13	NYS-E Fed-E	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No	No	No	NYSDEC Mapping; NYNHP Letters	None	100% Avoidance
Atlantic Sturgeon		NYS-Protected Fed-E	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No	No	No	NYNHP letter	None	100% Avoidance
Peregrine Falcon	ESA 10	NYS-E	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	NYSDEC Mapping; NYNHP Letters	None	100% Avoidance
Piping Plover		Fed-T, NYS -T	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	USFWS Official Species List	None	100% Avoidance
Red Knot		Fed-T, NYS -T	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	USFWS Official Species List	None	100% Avoidance
Roseate Tern		Fed-E, NYS-E	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	USFWS Official Species List	None	100% Avoidance

RTE Plant Species Documented Along Project Corridor																			
Species	Status	Overland Segments of Project Corridor																Suitable Habitat Present within LOW	AMM Measures
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Source		
Hill's Pondweed	NYS-T	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	NYNHP letter	Segment 1	See Section 9.3 of the relevant EM&CP.
Lake Water Cress	NYS-T	No	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	NYNHP letter	No	100% Avoidance
Goldenseal	NYS-T	No	No	No	Yes	Yes	No	No	No	No	No	No	No	No	No	No	NYNHP letter	No	100% Avoidance
Side Oats Grama	NYS-E	No	No	No	No	No	Yes	Yes	No	No	No	No	No	No	No	No	NYNHP letter	Segments 6 and 7	Avoidance via HDD. See Section 9.3 of the relevant EM&CP.
Stiff Flat-topped Goldenrod	NYS-T	No	No	No	No	No	No	No	No	No	Yes	No	No	No	No	No	NYNHP letter	None	100% Avoidance
Basil Mountain Mint	NYS-E	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	No	NYNHP letter	None	100% Avoidance
Torrey's Mountain Mint	NYS-E	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	No	NYNHP letter	None	100% Avoidance
Seabeach Amaranth	Fed-T NYS-T	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	USFWS IpaC Official Species List	None	100% Avoidance

Significant Natural Communities Documented Along Project Corridor																		
Community	Overland Segments of the Project Corridor																Suitable Habitat Present Within LOW	AMM Measures
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Source		
Red Cedar Rocky Summit	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	NYNHP letter	None	100% Avoidance
Deep emergent Marsh	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	NYNHP letter	Segment 1	See Section 9.3 of the relevant EM&CP.
Silver Maple-Ash Swamp	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	NYNHP letter	Segment 1	See Section 9.3 of the relevant EM&CP.
Pitch Pine- Oak-Heath Rocky Summit	No	No	Yes	No	No	No	No	No	No	No	No	No	No	No	No	NYNHP letter	None	100% Avoidance
Pine Barrens Vernal Pond	No	No	No	Yes	Yes	No	No	No	No	No	No	No	No	No	No	NYNHP letter	None	100% Avoidance
Vernal Pool	No	No	No	Yes	Yes	No	No	No	No	No	No	No	No	No	No	NYNHP letter	None	100% Avoidance
Red Maple-Hardwood Swamp	No	No	No	Yes	Yes	No	No	No	No	No	No	No	No	No	No	NYNHP letter	Segments 4 and 5	See Section 9.3 of the relevant EM&CP.
Hemlock-Hardwood Swamp	No	No	No	Yes	Yes	No	No	No	No	No	No	No	No	No	No	NYNHP letter	None	100% Avoidance
Pitch Pine-Scrub Oak Barrens	No	No	No	Yes	Yes	No	No	No	No	No	No	No	No	No	No	NYNHP letter	None	100% Avoidance
Successional Northern Sandplain Grassland	No	No	No	Yes	Yes	No	No	No	No	No	No	No	No	No	No	NYNHP letter	Segments 4 and 5	See Section 9.3 of the relevant EM&CP.
Appalachian Oak-Pine Forest	No	No	No	Yes	Yes	No	No	No	No	No	No	No	No	No	No	NYNHP letter	Segments 4 and 5	See Section 9.3 of the relevant EM&CP.
Oak-Tulip Tree Forest	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	No	NYNHP letter	None	100% Avoidance
Rocky Summit Grassland	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	No	NYNHP letter	None	100% Avoidance