

APPENDIX A
AGENCY AND STAKEHOLDER
CORRESPONDENCE
CASE 10-T-0139



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:

May 18, 2023

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

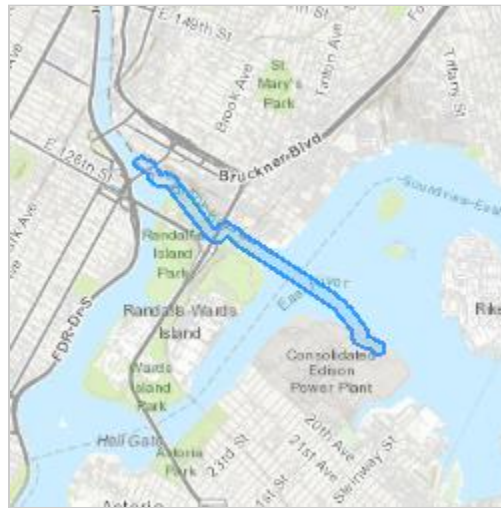
Shirley, NY 11967-2258

(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:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@40.7960367,-73.91365037413084,14z>



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.

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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
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	Endangered

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. Your location does not overlap the critical habitat. 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. 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

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Syracuse city
Name: Laurie Stubenrauch
Address: 217 Montgomery St.
City: Syracuse
State: NY
Zip: 13202
Email: lstubenrauch@edrdpc.com
Phone: 3154710688

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Department of Energy

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



CHAMPLAIN HUDSON POWER EXPRESS

NYC PARKS – RANDALL'S ISLAND UPDATE

MAY 18, 2023



Randall's Island Plan

Prior Approvals

- Since obtaining its Article VII permit in 2013, the “last mile” of CHPE’s alignment within Randall’s Island / Harlem River Yards to its final connection point at the Astoria Yard has presented extremely difficult design and real estate challenges
- Upon studying and consulting on various options, CHPE was able to develop an alternative approved by NYC Parks which was issued a 2021 NYSPSC Permit Amendment and a 2022 NYCDOT Revocable Consent

New / Ongoing Challenges

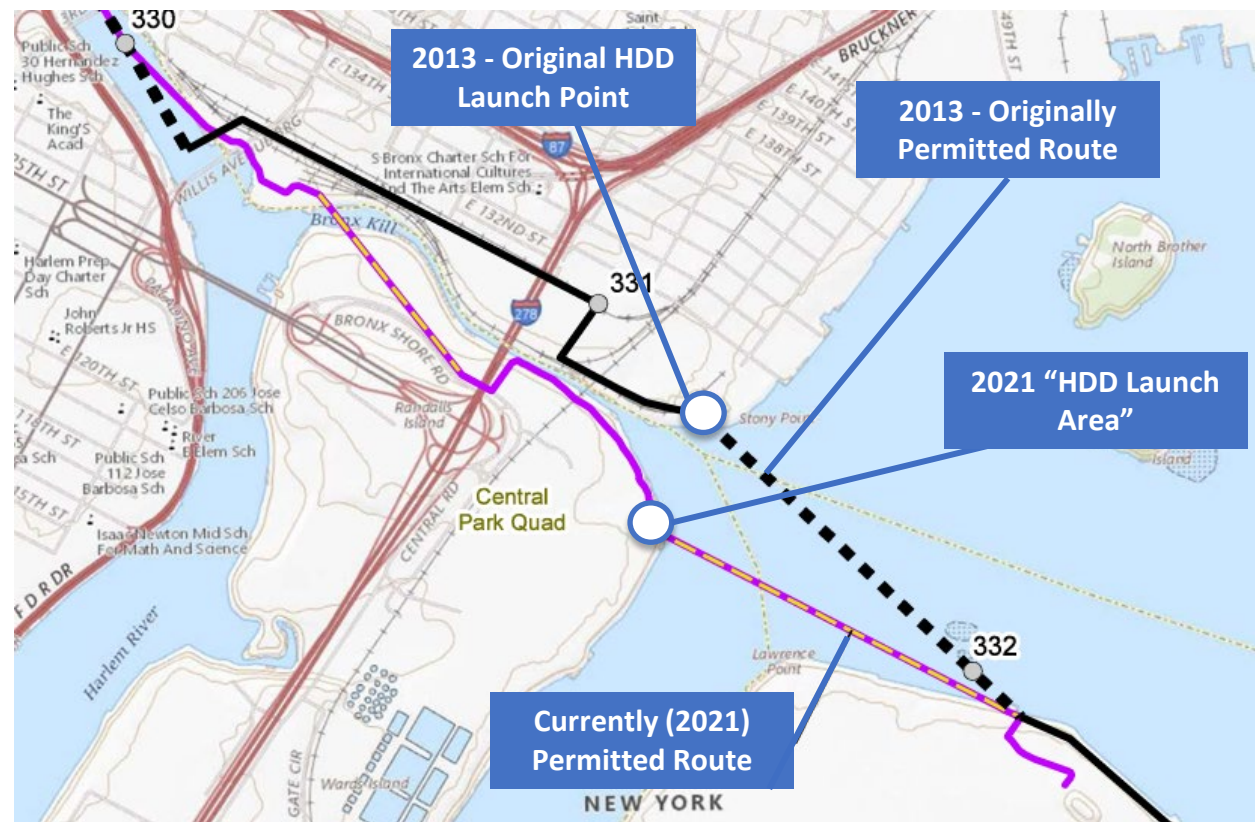
1. HDD Constructability: Due to technical and physical constraints encountered during detailed design (e.g., East River rapid depth drop) and the planned Horizontal Direction Drill (HDD) shift to steel casing, the launch and pullback locations (together with their associated staging areas) need further alignment from their currently permitted locations on Randall’s Island
2. Park Operations and Use: Any design must be consistent with CHPE’s Revocable Consent Agreement with NYC Parks which stipulates no closures to recreational ballfields
3. Environmental Considerations: Options that avoid ballfields require temporary impacts to the south shore of the Bronx Kill, including 0.7 acres of tidal wetland -- CHPE’s coordination with NYC Parks has confirmed that the tidal wetland is product of a voluntary salt marsh restoration project

Preferred Solution

- After significant option review and ongoing consultation with NYC Parks, CHPE is proposing to utilize the tidal wetlands site adjacent to the ballfields for a maximum 16-month period
- CHPE has completed the 338-mile alignment with the exception of this 1-mile HDD section
- ***CHPE has been instructed by the USACE to submit a Permit Amendment for approval that will memorialize this preferred solution.***

2021 Permitted Alternative Routing

- In collaboration with NYC, CHPE revised this route and relocated most of the cable installation from HRY to Randall's Island -- this new route was approved by the PSC in 2021
- The revised route utilized HDDs to avoid the Bronx Kill, pathways to avoid impacting the ballfields, and proposed the HDD launch point from an area without a recreational field



Solution – Overview

CHPE's Solution:

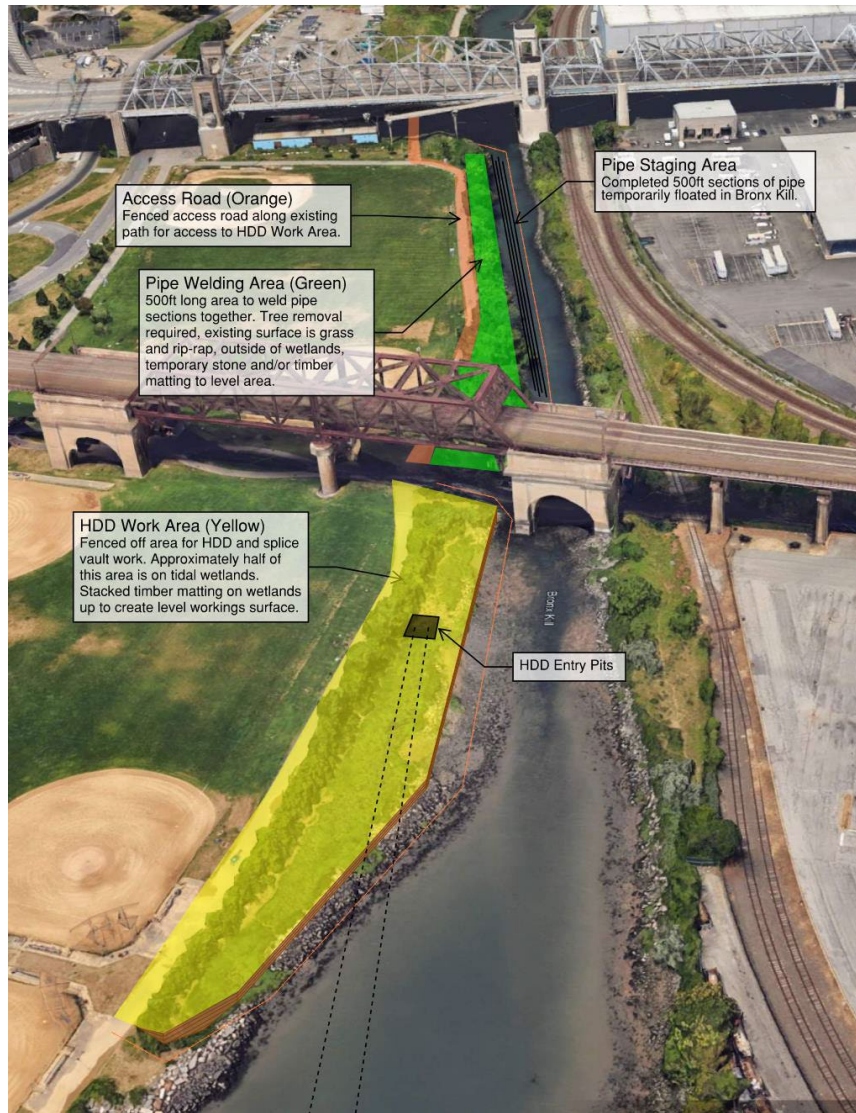
1. Complies with NYC Revocable Consent
2. Minimizes the overall impact to the public
3. Avoids closures of the active ballfields
4. Maximizes the continued operation at Randall's Island Park by keeping key public pathways and Robert Kennedy Bridge Trail bicycle access open during construction

0.7 acres of temporary fill would be placed within the tidal wetland adjacent to Randall's Island

- Tidal wetlands expected to be impacted for ~8-16 months
- CHPE will work with USACE, NYC Parks, RIPA, NYSDEC and other stakeholders to fully restore the wetland post-construction (no permanent fill or infrastructure will remain in the tidal wetland at completion)
- Although not preferred, CHPE will consider offsets in the broader wetland mitigation plan

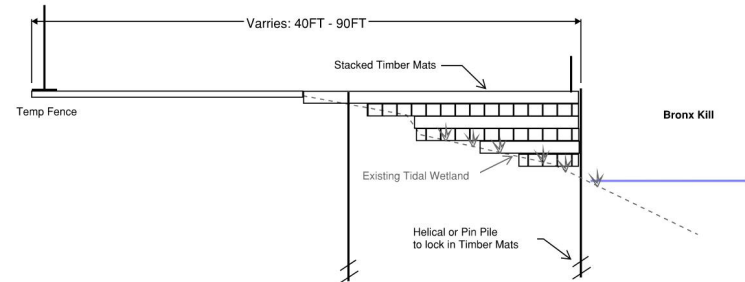


Preferred Means and Methods



Using Timber Mats

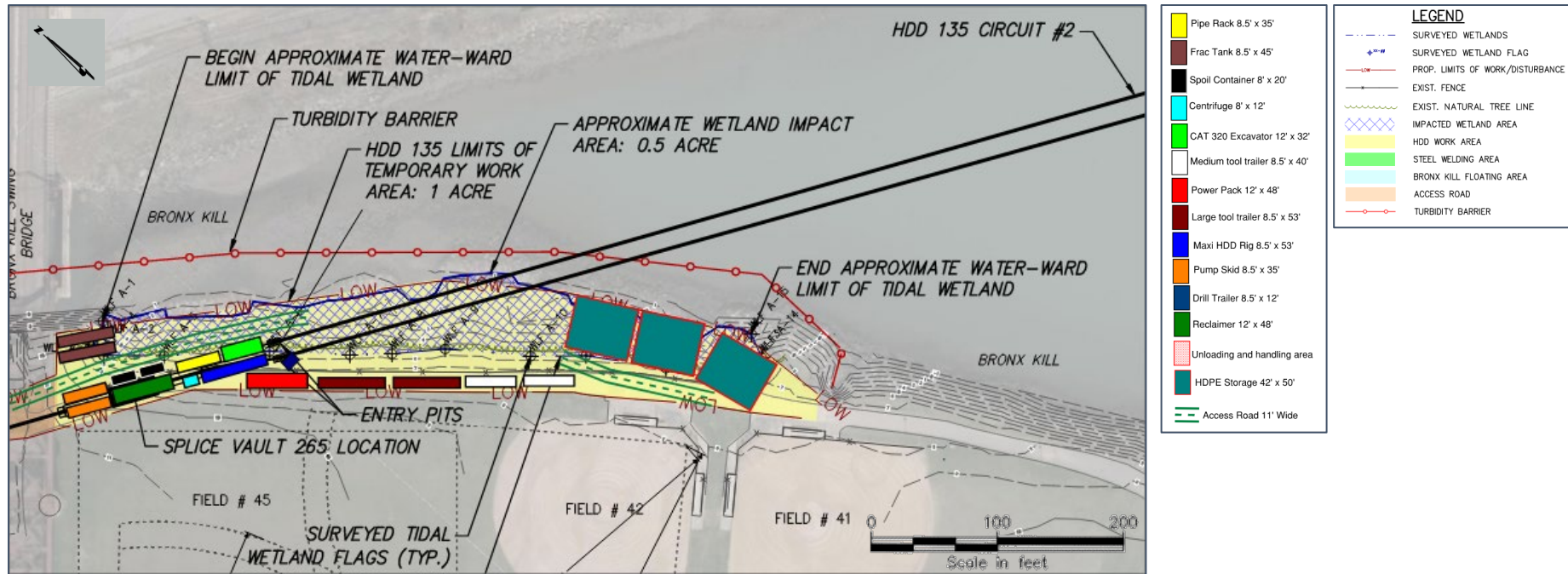
HDD Work Area - Timber Matting Option Cross Section



Work Sequence:

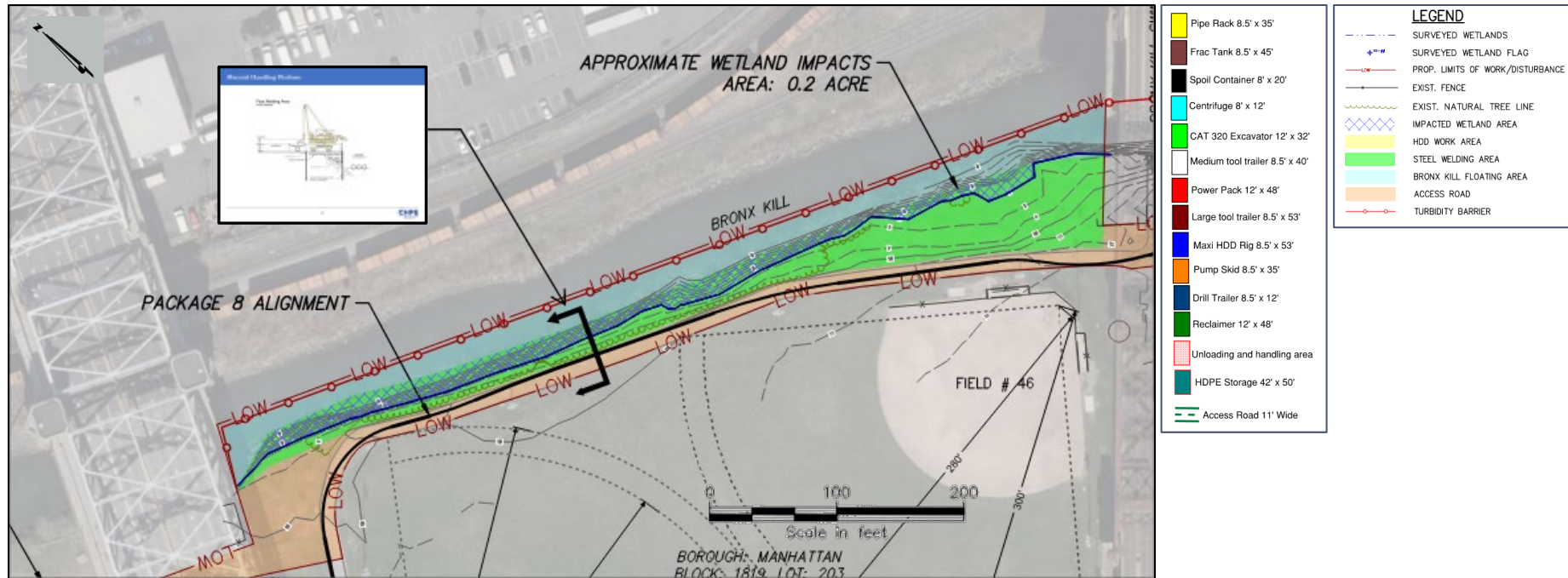
- Install standard Erosion & Sediment controls (silt fence, wetland protection fence, turbidity curtain) plus a layer of geotextile fabric over the marsh soils to protect the existing soil composition.
- Install first (bottom) layer of timber mats to gain access to the edge of the tidal marsh area.
- From the mat layer, install helical piles (~15 piles spaced at 25 feet intervals) to retain additional timber mat layers. Piles are installed by an Excavator.
- Stack additional timber mats to prepare HDD working surface. Mats are installed by an Excavator.
- **Removal:** Reverse of the sequence above

Preferred Solution – HDD Launch Area



- The proposed HDD launch area will temporarily impact ~0.5 acres of tidal wetlands
- The HDD work area would be in use for approximately 8-16 months
- Unlikely impacts to T&E species with NOAA Fisheries and NYSDEC will be examined
- A turbidity barrier will be installed around the work areas as per USACOE direction
- CHPE will submit a comprehensive EM&CP submission reflecting this approach

Preferred Solution – Pull Back and Conduit Laydown Area



- Park area up to the RFK and the Hell Gate rail overpasses will be used for pipe fusing (welding) and temporary laydown – a long and linear space, outside of the ballfield footprints, is needed for this purpose
- These operations will impact ~0.2 acres of wetlands for ~8 months
- Sections of metal conduits ~500 feet in length will be stored 10 sections at a time by flotation in the Bronx Kill
- HDDs will be bored from Randall's Island toward Astoria; once a bore is complete the welded metal conduits will be pulled through (each bore length is ~5,000 ft) and the process is repeated for each of the two twin bores

Proposed Construction Schedule

HDD 135 Schedule of Impacted Areas																			
	2024											2025							
Description	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul		
Set up Work Area	x																		
Prep Pullback Area					x														
Conduit 1																			
Drill Conduit 1	x	x	x	x	x	x	x	x											
Weld & Pullback						x	x	x											
Conduit 2																			
Drill Conduit 2								x	x	x	x	x	x						
Weld & Pullback								x	x										
Fuse & Pullback FPVC Conduit(Both)																			
Splice Vault Install																			
Install Ductbank																			
Wire Pulling																			
Restore Work Area and Access Road																			
Months																			
Area	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16			
Access Road around Fields #46 & 48	Access Road Use			-- Area used as part of the Pullback Area --											Trenching		Restoration		
HDD Work Area	Prep	Drill and Install			Conduit 1			Drill and Install Conduit 2				Splice Vault, Ductbank Install, Wire Pull,Restoration							
Pullback Area						Prep	Welding & Pullback			Pipe Staging for Pullback 2			Pullback	FPVC	Restoration				
HDD Work Area	Steel Welding Area		Access Road																

- If conceptual approval is obtained, CHPE will submit an EM&CP package for this segment in late May / early June (*note original schedule called for a mid-March 2023 submission*)

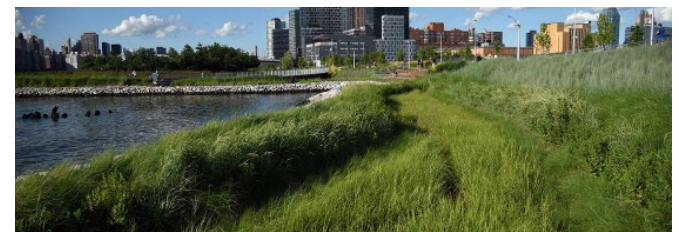
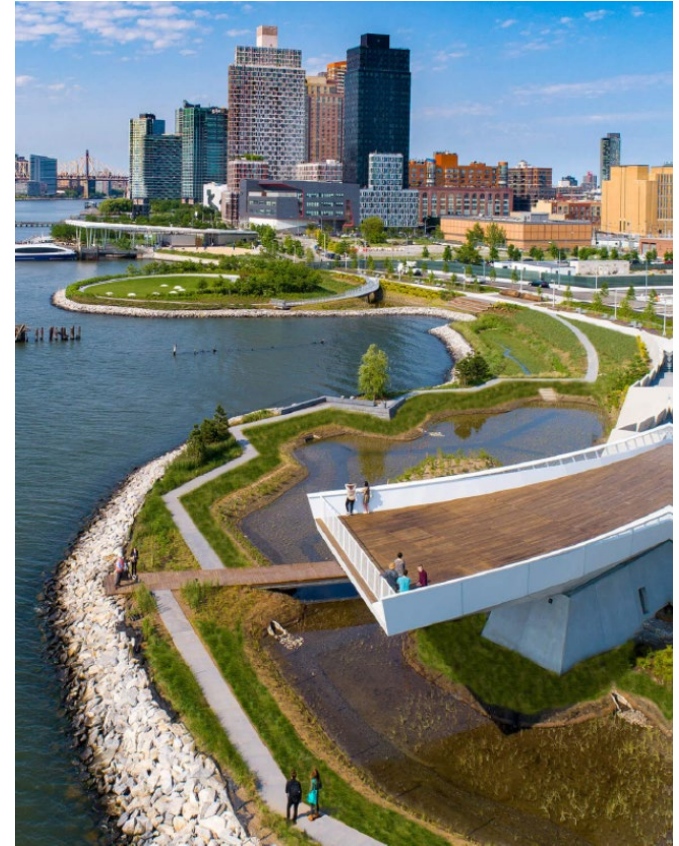
Existing Conditions – March 2023



Ecological Impact Mitigation Support



- **Ecological Design firm** founded in NYC – September 2001.
- **Great Ecology's** award-winning projects transform urban communities, restore aquatic and terrestrial habitats, and increase opportunities for public participation and recreation.
- **Approach:** overlaying design and ecology to promote maximum ecological function and service, sustainability, and regulatory compliance.
- **Example Projects:**
 - Designed and oversaw construction of [Randall's Island Salt Marsh \(Impact Area\)](#) in 2004-2005.
 - Additional NYC salt marsh design/restoration projects at Brooklyn Bridge Park, Hunter's Point South, West Pond (GNRA), Bayswater Point State Park, Sherman Creek Inlet, etc.



Ecological Impact Mitigation Support



Monitoring and Assessment Options

Develop Impact Area Monitoring Plan

- The approved Plan will direct the additional steps on this slide.

Conduct Baseline Assessment

- Soils baseline
 - Texture
 - Organic Content
 - pH
 - Redox potential
 - Porewater salinity
- Elevation profile baseline
- Vegetation baseline
- Functional assessment

Provide Environmental Monitoring During Construction

- Provide ecologist/botanist on-site as-needed
- Observe construction/restoration techniques and permit compliance

Provide On-Site Restoration

- Restore all disturbed areas
- Restoration will be in accordance with EM&CP-level Restoration Plans and Specifications
- Address sustainability, resiliency to sea-level rise, carbon sequestration, and provision of habitat
- **Optionally improve more areas on or off site**

Conduct Post-Construction Monitoring

- Re-assess all categories of the Baseline Assessment
- Check for effects of the placement and removal of construction equipment on soils and topography





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Material Handling Platform

Pipe Welding Area Cross Section

