

**APPENDIX A**  
**CASE 10-T-0189**  
**AGENCY CORRESPONDENCE**

**APPENDIX A**  
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## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program

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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

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**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.**

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

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](http://www.guides.nynhp.org), and from NYSDEC at [www.dec.ny.gov/animals/7494.html](http://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 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.

**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
<b>Side Oats Grama</b>	<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.

10558

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](http://www.guides.nynhp.org).

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**Request Code:**  
9f7czcxdtugk

**Comments:**  
Attached are the files for the preliminary draft EM&CP 60-day submission for Segments 6 and 7, Package 4A/4B

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Filename	Description	File Size	SHA-256 Checksum
CHPE Army Corps Cover Letter.pdf		242.8 KB	7AD04DB27FAF2EF8E21EB25995987C175D81C3EBEC3A4F73BE3C4A4437ED79B8
CHPE Draft Impacts USACE Package Segments 6 and 7.pdf		1.1 MB	9612AA35D5DEA4A30F9DD4006FC22EC1BD2A604BB90AC0C1D4982BE94988148C
CHPE Segment 6-P4A_INTERIM PROGRESS PLANS Submission 2022 09 07.pdf		244.8 MB	E36AAB40AEF8F3A735892ABCD7B793E109E3207ADC1036364B0720FB54F0D4C6
CHPE Segment 6-P4A_INTERIM Wetland Delineation Report 2022 09 07.pdf		45.2 MB	20CE8219B4577F3CE6E68A3816EDB71C4528B2438AAEC4528F58E4E6DDAA47F9
CHPE Segment 7-P4B_INTERIM PROGRESS PLANS Submission 2022 09 07.pdf		236.7 MB	91D32FE3948D82E97773C787D1ED45B5AC123620A8EC40345BDCE1F6F4CB0242
CHPE Segment 7-P4B_INTERIM Wetland Delineation Report 2022 09 07.pdf		39.5 MB	59E1939B77A371510F9F44B8CEF65BB577E2C94DC035609AE2D1B28A08E1361

Showing 1 to 6 of 6 entries

March 17, 2021

Tim Sullivan  
Biologist  
U.S. Fish and Wildlife Service  
New York Field Office  
3817 Luker Road  
Cortland, NY 13045  
Via email [tim\\_r\\_sullivan@fws.gov](mailto:tim_r_sullivan@fws.gov)

**SUBJECT: Champlain Hudson Power Express Project  
Re-initiation of Section 7 Consultation - Request for Concurrence  
Docket No. DOE/EIS-0447-SA-01; Docket No. PP-481-1**

Dear Mr. Sullivan:

In the letter dated December 4, 2020, the U.S. Department of Energy (DOE) described CHPE LLC's application to DOE to amend their existing Presidential Permit ([PP-481](#)) for the Champlain Hudson Power Express Project (the Project) and requested re-initiation of informal consultation pursuant to Section 7 of the Endangered Species Act (ESA) as amended (16 U.S.C. 1531 et seq.). In addition to the minor route modifications and proposed relocation of the site of the converter station described in that letter, on January 15, 2021, CHPE LLC filed a supplement to its Amendment Application requesting that the capacity of the Project be increased from 1000 megawatts (MW), as currently permitted, to 1250 MW ([86 FR 11960; March 1, 2021](#)). Thank you for meeting with DOE several times regarding the above, most recently on March 4, 2021.

The December 4, 2020 consultation re-initiation letter described the informal ESA Section 7 consultation process in detail, which was previously concluded in 2014. The USFWS concurred with DOE's determination in our Biological Assessment that the Project "may affect, but is not likely to adversely affect" the endangered Indiana bat (*Myotis sodalis*), the endangered Karner blue butterfly (*Lycaeides melissa samuelis*), or the threatened northern long-eared bat (*Myotis septentrionalis*) or critical habitat in a letter dated September 10, 2014. It is DOE's determination that the proposed changes do not alter this effects determination, or your analysis thereof. DOE requests your updated concurrence with this determination.

Thank you for your engagement in this consultation. DOE looks forward to your response and would be pleased to speak with you again at any time. I can be reached by email at [Melissa.Pauley@hq.doe.gov](mailto:Melissa.Pauley@hq.doe.gov) or phone at 202-586-2942.

Sincerely,



Melissa Pauley  
Policy Analyst  
Energy Resilience Division, OE-20  
Office of Electricity  
U.S. Department of Energy

cc: Stephan A. Ryba, Chief-Regulatory Branch, NY District, USACE  
Josh Bagnato, Vice President, Project Development, Transmission Developers, Inc.



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
3817 Luker Road  
Cortland, New York 13045

March 29, 2021

Ms. Melissa Pauley, Policy Analyst  
Energy Resilience Division  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

Dear Ms. Pauley:

This is in response to your March 17, 2021 letter requesting concurrence pursuant to Section 7(a)(2) of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) for the proposed Champlain Hudson Power Express project, a long-distance electric transmission line planned in eastern New York state. As lead federal agency, the U.S. Department of Energy (DOE) is considering the approval of a Presidential Permit to construct, operate, and maintain the project. In your letter, DOE has asked the U.S. Fish and Wildlife Service (Service) to review the most recent information on the revised project. The project purpose is to transmit electricity generated from renewable sources in Canada to New York City.

In October, 2014, the DOE issued a Presidential Permit (PP-362) to Champlain Hudson Power Express, Inc. (CHPE) to construct, operate, maintain, and connect the project to the electric network. The project was also approved by other federal, state, and local authorizations at that time but was never constructed. On September, 25, 2020, CHPE submitted an application to DOE to amend PP-362, with project modifications. The revised project would be authorized under PP-481.

## **Consultation history**

The Project was introduced to the Service in 2010 with the submittal of a permitting overview document and request for information on federally-listed species. Numerous other documents and information exchanges were provided to the Service over a multi-year period and we submitted comments on a Draft Environmental Impact Statement (DEIS) in December, 2013. After revisions, this subsequently led to the completion and publication of a Final EIS/Biological Assessment (FEIS/BA) dated August, 2014. The potential environmental effects of the project, including those to federally-listed species, were analyzed in the FEIS/BA. In a letter dated

September 10, 2014, the Service concurred with the BA in our Biological Opinion (BO). Specifically, the Service concurred with DOE's determination that the project *may affect, but is not likely to adversely affect* three federally-listed species (described below).

In a letter dated December 4, 2020, the DOE requested to reinitiate section 7 consultation with the Service for a revised project design, including shifts in alignment, increased capacity, and a relocated converter station. Representatives of CHPE, DOE, and the Service met on January 8, 2021 to discuss the revised project. During this meeting, some project details were unavailable but were later provided via electronic mail on February 10, 11, and 25, 2021. Finally, we met again on March 4, 2021, to discuss the location of a bald eagle nest in relation to the project alignment. We appreciate DOE's efforts to provide us with a complete project description.

### **Project description**

The original project consisted of a buried 336-mile long, 1000-megawatt direct current transmission line to be located in 16 counties in New York State, from the Canadian Border at Lake Champlain and generally following the Hudson River south to New York City. As mentioned above, since the approval of the PP-362 CHPE has modified the project in several ways. The project was modified in October, 2020 to include a shift in the alignment at 8 locations resulting in an additional total length of approximately 5.1 miles. These shifts were to avoid sensitive resources and address community concerns, among others.

The revised project consists of a 341.1 mile-long, underground 1250-megawatt cable. The cable size or construction footprint would not substantially change from what was previously reviewed and approved, except in those areas of the proposed alignment shifts. CHPE states that the installation methods and project operation would also not change. The location of the new converter station in Queens would require an additional 0.5 acre of land disturbance and the buried cable from the river to the station has shifted, however it is all within an urban environment. In addition, CHPE has indicated that the previously agreed upon impact minimization and conservation measures and commitments, as described in the FEIS/BA, will remain in place for the revised project.

As mentioned, the project alignment will change in 8 areas to avoid natural and social resources. Even in these areas of change, the project will still follow and be constructed within existing road, railroad, and utility rights of way. A majority of the project will follow a route under Lake Champlain and the Hudson River as previously described and evaluated.

### **Updated ESA review**

Pursuant to the ESA, the DOE in 2014 determined that the project will result in *no effect* to the federally-listed threatened bog turtle (*Clemmys* [= *Glyptemys*] *muhlenbergii*), northern wild monkshood (*Aconitum noveboracense*), small whorled pogonia (*Isotria medeoloides*), endangered piping plover (*Charadrius melodus*), roseate tern (*Sterna dougallii dougallii*), or proposed threatened red knot (*Calidris canutus rufa*), or the federal candidate for listing, the

New England cottontail (*Sylvilagus transitionalis*), as no suitable habitat for these species occurs along the project site. The red knot was listed by the Service as threatened in 2015. However, the listing status does not change the fact that there is no known habitat for the species in the project area and does not change the previous DOE determination. The New England cottontail is no longer a federal candidate for listing. We have no additional comments on these species.

In addition, the DOE previously determined that the proposed *project may affect, but is not likely to adversely affect*, the endangered Indiana bat (*Myotis sodalis*), Karner blue butterfly (*Lycæides melissa samuelis*), or the proposed (at that time) endangered northern long-eared bat (*Myotis septentrionalis*). The northern long-eared bat was subsequently listed by the Service as a threatened species in 2015.

Based upon the revised project description, a majority of the project will be sited within water. However, a portion does follow a land route between Lake Champlain at Dresden and the Hudson River at Cementon. The land route is collocated with road, utility, and railroad rights of way; however, some vegetation removal, including trees, will be required. These rights of way are currently managed for infrastructure purposes and subject to continual disturbance. Once installed, maintenance of the project right of way will be similar to what is currently being implemented. Given the linear nature of tree removal, the fact that the upland portion of the project will follow many existing transportation rights of way, and the proposed conservation measure of conducting tree removal between October 31 and March 31, we do not anticipate any measurable impacts to the northern long-eared bat. Therefore, we concur with your determination for the revised project.

The DOE has indicated that the construction and operation of the project *will not adversely affect* the Indiana bat as well. Because the conservation measure of removing trees when the bats are not present (October 31 to March 31) will be used for this project and the existing disturbed nature of the transportation rights of way where the project will be sited on land, we concur with the determination for the revised project.

The Karner blue butterfly occurs in the project area at two known general locations. Several sites within these locations contain patches of wild blue lupine (*Lupinus perennis*), an important food source for the larval stage of Karner blue butterfly. The project sponsor has agreed to drill and install the transmission cable 10 feet below these areas. Areas of lupine would be fenced to prevent intrusion of construction activity and no impact is expected to these areas. An environmental monitor will ensure the protection of these areas as well. No pesticides or herbicides would be used in lupine areas and coordination with the Service would be initiated if work near lupine habitat is expected. Given that there will be no direct impact to lupine habitat and conservation measures such as fencing and monitoring and no herbicides or pesticides will be used, we concur with the DOE's updated determination that the revised project *may affect but will not likely adversely affect* the Karner blue butterfly.

## Summary

The DOE has analyzed the potential environmental effects of a revised CPHE project, including those to federally-listed species. DOE has confirmed that the analysis provided in the FEIS/BA

is still applicable with the exception of those recent changes provided to the Service under the request to reinitiate ESA consultation. In addition, DOE has found that the project will have *no effect* on bog turtle, northern wild monkshood, small whorled pogonia, endangered piping plover, roseate tern, or red knot. The project is within the range of three listed species, the Indiana bat, northern long-eared bat, and the Karner blue butterfly and potential habitat may be found in the project area but based upon the project description, including avoidance and minimization measures as well as conservation measures, the DOE has determined that the project *will not adversely affect these species*. We concur with that determination.

No further coordination or consultation under the ESA is required with the Service at this time. Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of federally-listed and proposed endangered and threatened species in New York is available for your information. Until the proposed projects are complete, we recommend that you check our website regularly to ensure that listed species presence/absence information for the proposed projects is current.\*

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the ESA. This response does not preclude additional Service comments under other legislation.

Any additional information regarding the proposed projects and their potential to impact listed species should be coordinated with both this office and with the New York State Department of Environmental Conservation.

Thank you for the opportunity to review this project. If you require additional information or assistance please contact Tim Sullivan at 607-753-9334.

Sincerely,

David A. Stilwell  
Field Supervisor

\*Additional information referred to above may be found on our website at:  
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

cc: NYSDEC, New Paltz, Ray Brook, and Schenectady, NY (Env. Permits)  
NYSDEC, Albany, NY (Wildlife Diversity)