

APPENDIX A
AGENCY CORRESPONDENCE
CASE 10-T-0139

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	NY STATE LISTING	FEDERAL LISTING	
Short-eared Owl <i>Wintering</i>	<i>Asio flammeus</i>	Endangered		11089
Northern Harrier <i>Wintering</i>	<i>Circus hudsonius</i>	Threatened		11128

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

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING	
King Rail Town of Coxsackie, Greene County, within 1/3 mile of alignment.	<i>Rallus elegans</i>	Threatened		15434
Bald Eagle Town of Catskill, Greene County, within 3/4 mile of alignment.	<i>Haliaeetus leucocephalus</i>	Threatened		7092

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	NY STATE LISTING	FEDERAL LISTING	
Northern Long-eared Bat <i>Hibernaculum</i>	<i>Myotis septentrionalis</i>	Threatened	Threatened	14216

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>Hibernaculum</i>	<i>Myotis sodalis</i>	Endangered	Endangered	13608



**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 loosestrife is invading in the wet areas. The area is dominated by *Aster dumosus* in October.

818

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.



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: 2023-0134246
Project Name: Champlain Hudson Power Express

September 27, 2023

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 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 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:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.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/program/migratory-bird-permit/what-we-do>.

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/library/collections/threats-birds>.

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/partner/council-conservation-migratory-birds>.

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: 2023-0134246
Project Name: Champlain Hudson Power Express
Project Type: Transmission Line - New Constr - Below Ground
Project Description: HVDC buried Transmission line
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.39042795,-73.81923652064454,14z>



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.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	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: Private Entity
Name: Colin Buckowski
Address: 41 State Street
City: Albany
State: NY
Zip: 12202
Email: cbuckowski@edrdpc.com
Phone: 5184519150

Laura Darling

From: Laura Darling
Sent: Wednesday, August 3, 2022 2:51 PM
To: Smith, Matthew (DPS); Maraglio, Matthew (DOS); sita.crounse; Behnke, Heather (DPS); Drexler, David (DPS); Gaidasz, Karen M (DEC); Rahm, Patrick J (DEC)
Cc: Josh.Bagnato; Michael Main; Ayokunle KAFI
Subject: Case 10-T-0139, CHPE Packages 3, 5B, 6, 7A, 7B, and 8 Wetland Delineation Reports and Waterbody Inventories

Dear DPS, DEC, and DOS Staff,

Pursuant to Certificate Conditions 113(a) and 114(a), below is a link to files included in the Wetland Delineation Reports for packages 3, 5B, 6, 7A, 7B and 8 of the Champlain Hudson Power Express (CHPE) transmission line, including Shapefiles. These conditions require that, at least 30 days prior to filing of a proposed Segment Environmental Management and Construction Plan (EM&CP), the Certificate Holder must share these documents with DPS, DEC and DOS. These segments are not located in the Adirondack Park, therefore the APA is not included in this distribution.

The geographic scope of these segments are as follows:

Package 3 – Fort Edward to Milton (26.5 miles along CP rail corridor starting in Town of Kingsbury and extending to Town of Ballston Spa)

Package 5B – Bethlehem (5.3 miles starting in Bethlehem along NYS Route 32, West Yard Road, and other areas in the Town)

Package 6 – Selkirk to Catskill (beginning Town of Bethlehem and extending approximately 20.8 miles on CSX rail line through Towns of Coeymans, New Baltimore, Cossackie, Athens and Catskill)

Package 7A – CSX Railroad Catskill (extending 8.7 miles along CSX railroad starting in Catskill then running along Allen Street, Route 9W and Alpha Boulevard to the west bank of the Hudson River)

Package 7B – 9W Rockland (7.6 miles beginning in Haverstraw and extending along several state and local roads)

Package 8—Bronx to Astoria (2.13 miles – areas near the Harlem and Hudson Rivers in New York City) – *Please note there are no shapefiles for Package 8, as there were no wetlands identified.*

We anticipate filing the EM&CP for these segments in the fall of 2022.

The reports and related shapefiles can be accessed here:

 [CHPE Packages 3, 5B, 6, 7A, 7B and 8 Wetland and Waterbody Reports and Shapefiles](#)

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

Sincerely,

Laura Bomyea Darling
 Associate Attorney

Young / Sommer LLC
ATTORNEYS AT LAW

12/13/2022

ldarling@youngsommer.com

Executive Woods, Five Palisades Drive, Albany, NY

12205 www.youngsommer.com

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

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

**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 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)