Appendix 11-1

Agency Correspondence

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 I F: (518) 402-8925 www.dec.ny.gov

December 23, 2020

Heather Vaillant TRC 10 Maxwell Drive, Ste 200 Clifton Park, NY 12065

Re: Shepherd's Run Solar Project County: Columbia Town/City: Copake

Dear Ms. Vaillant:

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 at the project site or in its immediate vicinity.

The absence of data does not necessarily mean that rare or state-listed species, significant natural communities, or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information that indicates their presence. 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.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities, and other significant habitats maintained in the Natural Heritage database. Your project may require additional review or permits; 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 4 Office, Division of Environmental Permits, at dep.r4@dec.ny.gov.

Sincerely,

andrea Chaloux

Andrea Chaloux Environmental Review Specialist New York Natural Heritage Program

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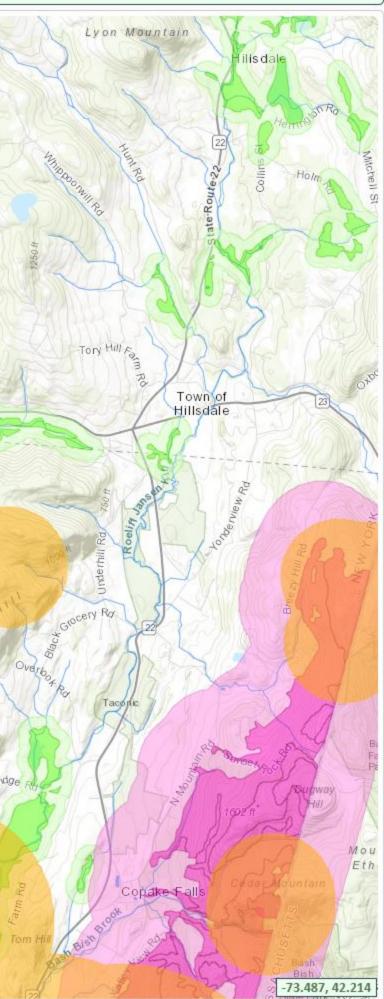
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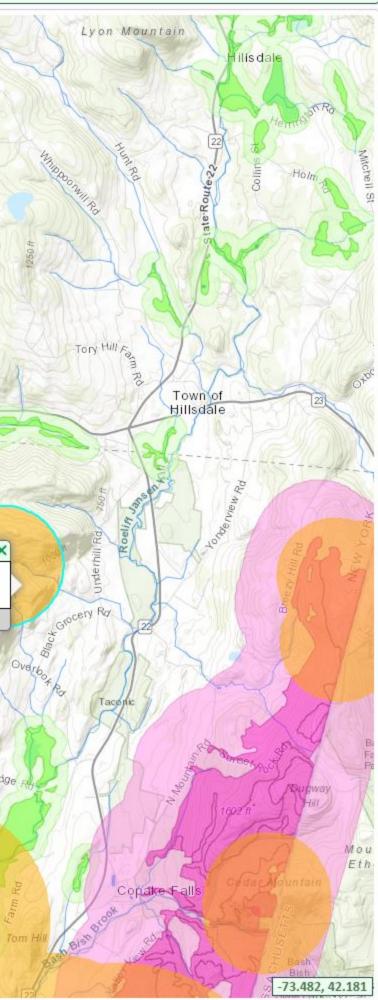
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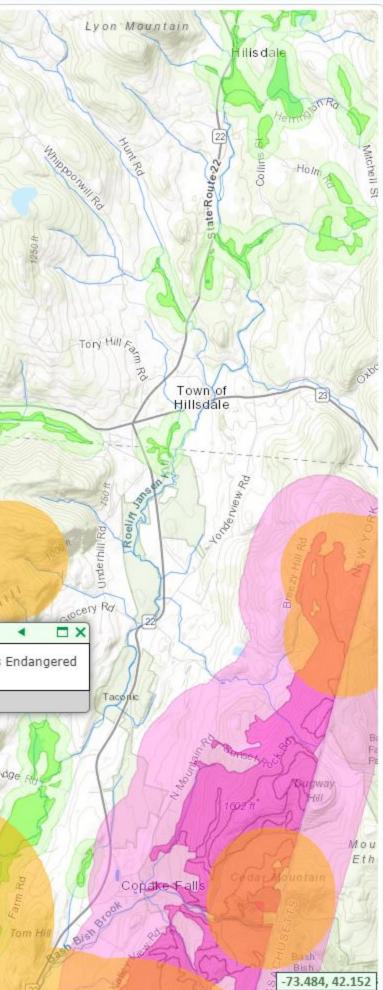
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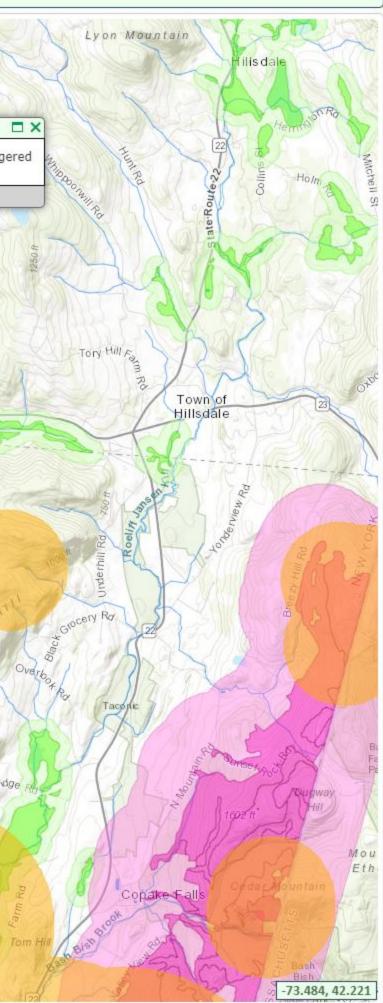
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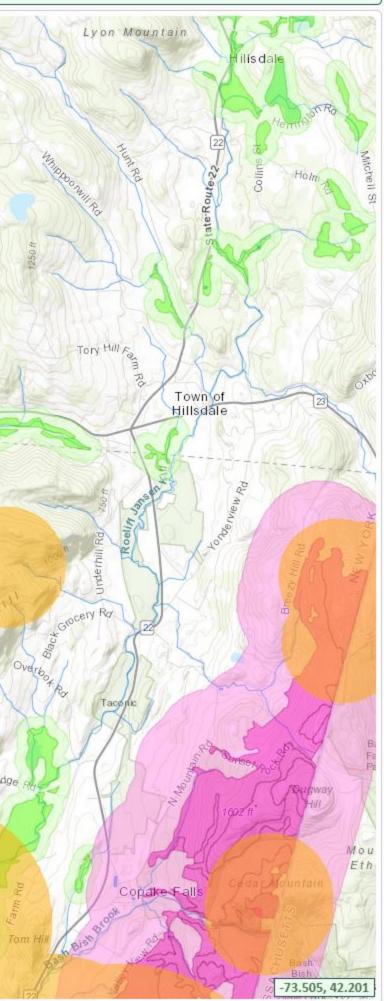
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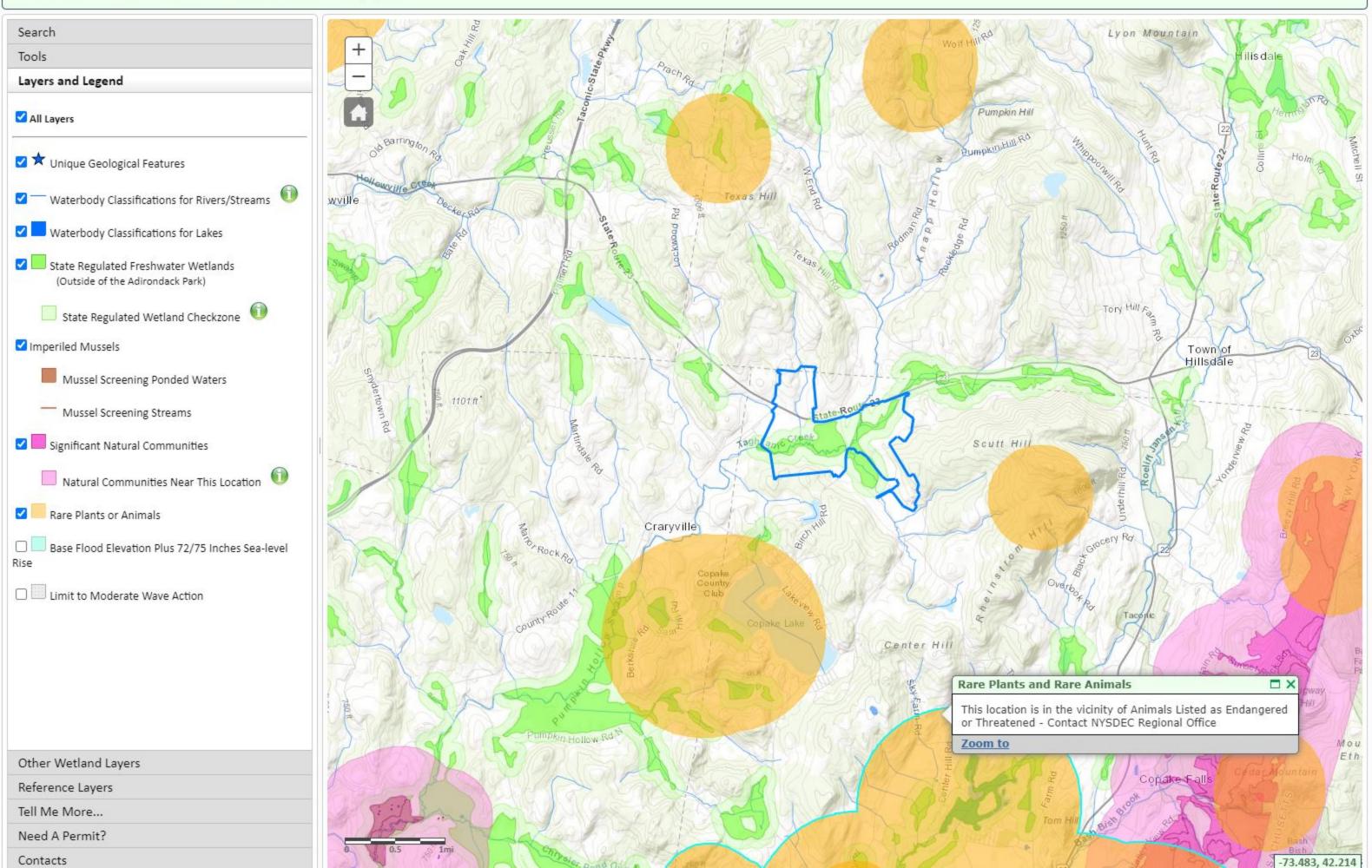
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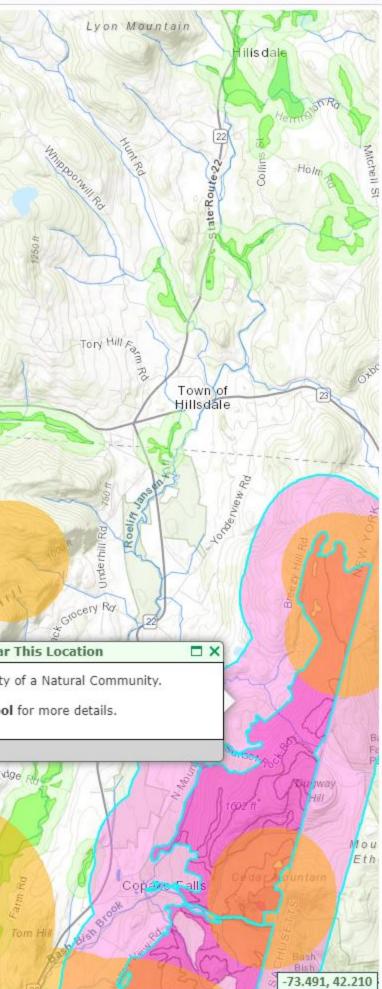


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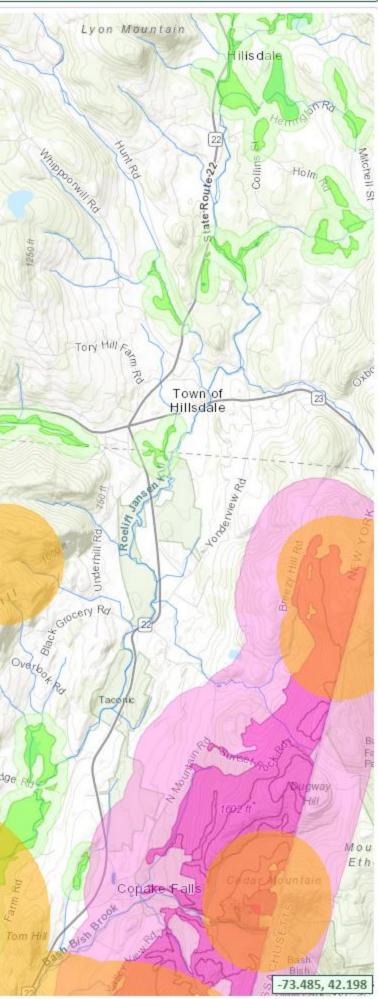
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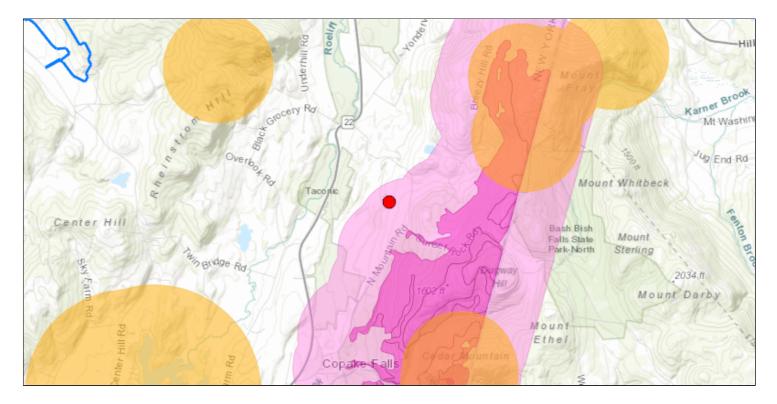
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The approximate address of the point you clicked on is: 12517, Copake Falls, New York

County: Columbia Town: Copake USGS Quad: HILLSDALE

DEC Region

Region 4:

(Capital Region/Northern Catskills) Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie counties. For more information visit <u>http://www.dec.ny.gov/about/611.html</u>.

Natural Communities in the Vicinity

Natural Community Name: Appalachian oak-hickory forest Location: Alander Mountain Ecological System: Uplands

Natural Community Name: NOTE **Location:** This mapping application does not include all freshwater wetlands in this town. Click above on the title of this table for more information. Ecological System:

National Wetands Inventory

Attribute: undefined Type: undefined Acres: undefined

For more information about the National Wetands Inventory wetlands visit http://www.fws.gov/wetlands/

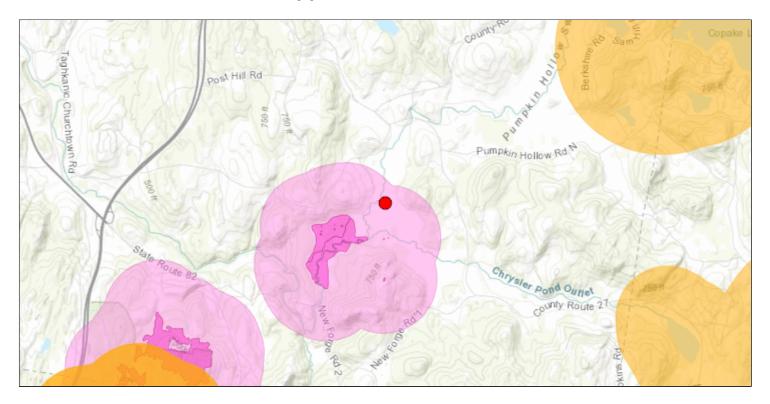
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Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

Disclaimer: If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.



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The approximate address of the point you clicked on is: 12502, Ancram, New York

County: Columbia Town: Taghkanic USGS Quad: ANCRAM

DEC Region

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State Regulated Freshwater Wetlands

ID: CK-41 Class: 1 Size (Acres): 583.300000000001 This location is in the vicinity of one or more Regulated Freshwater Wetlands.

Natural Communities in the Vicinity

Natural Community Name: Floodplain forest Location: New Forge Ecological System: Freshwater Nontidal Wetlands

Natural Community Name: Vernal pool Location: New Forge Ecological System: Freshwater Nontidal Wetlands

Natural Community Name: Red maple-hardwood swamp Location: New Forge Ecological System: Freshwater Nontidal Wetlands

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For more information about the National Wetands Inventory wetlands visit http://www.fws.gov/wetlands/

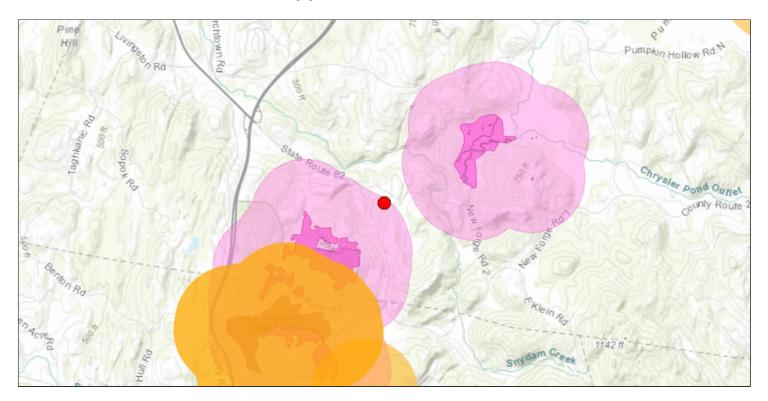
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Freshwater Wetlands Checkzone

This location is in the vicinity of one or more Regulated Freshwater Wetlands.

Natural Communities in the Vicinity

Natural Community Name: Hemlock-northern hardwood forest Location: Lake Taghkanic

Ecological System: Uplands

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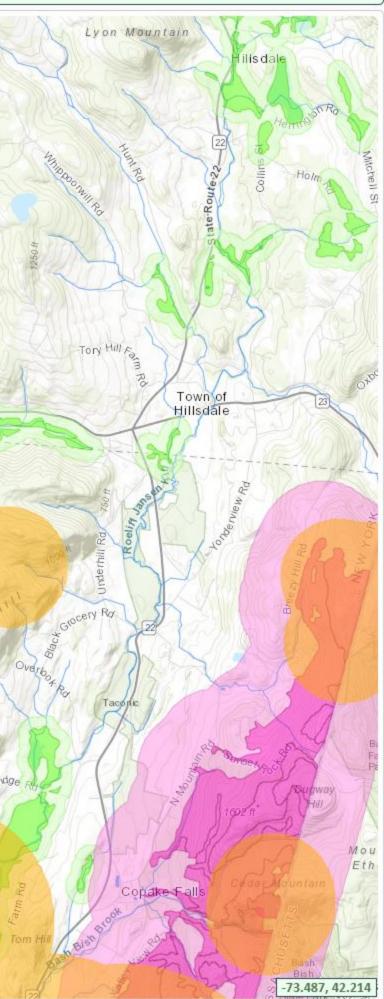
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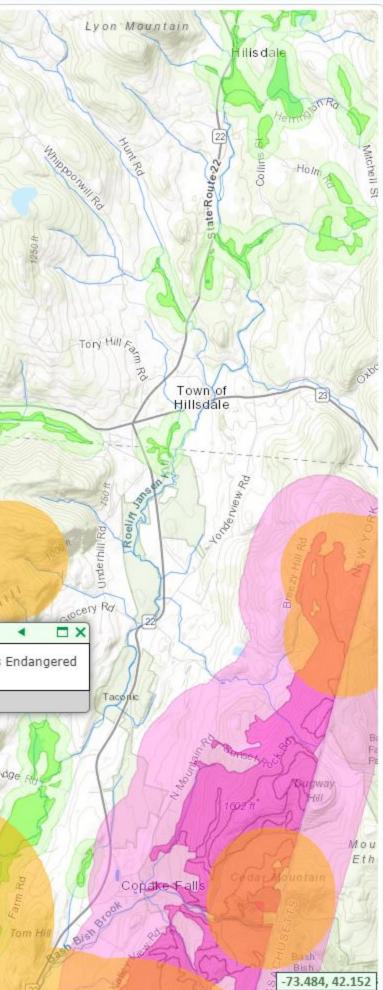
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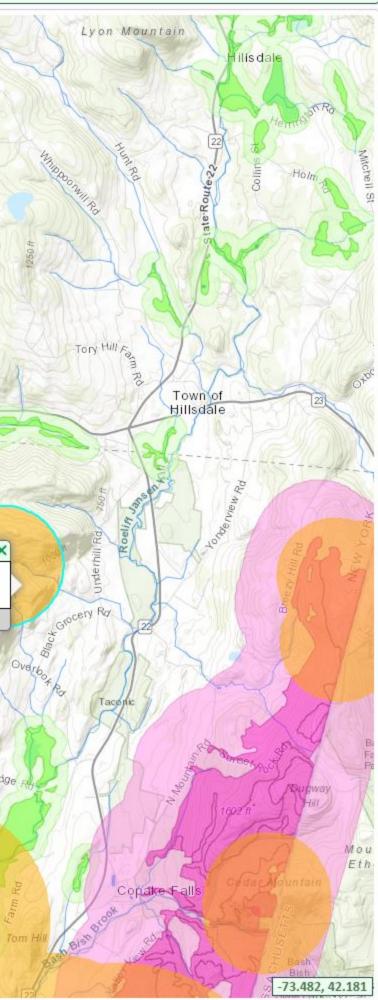
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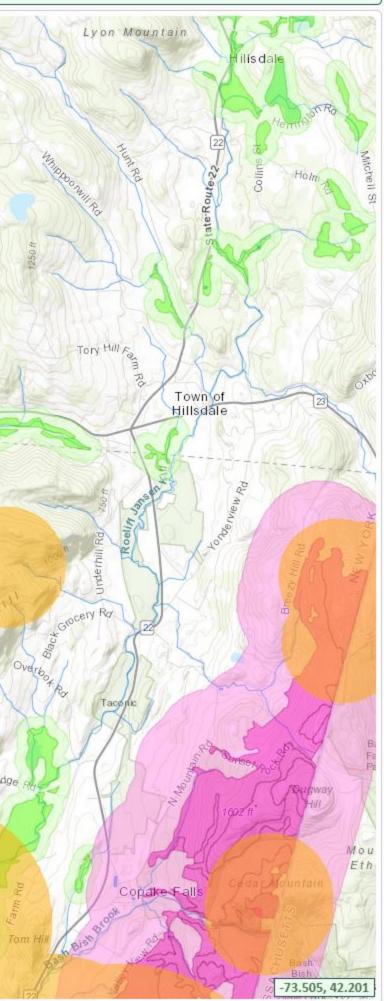
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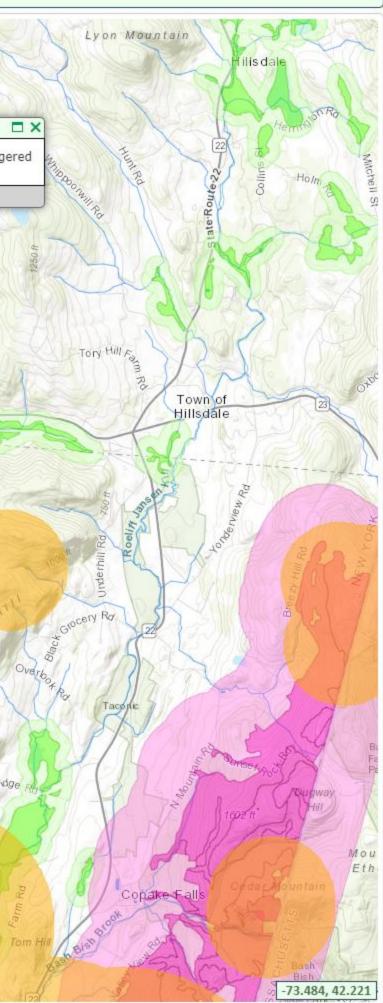
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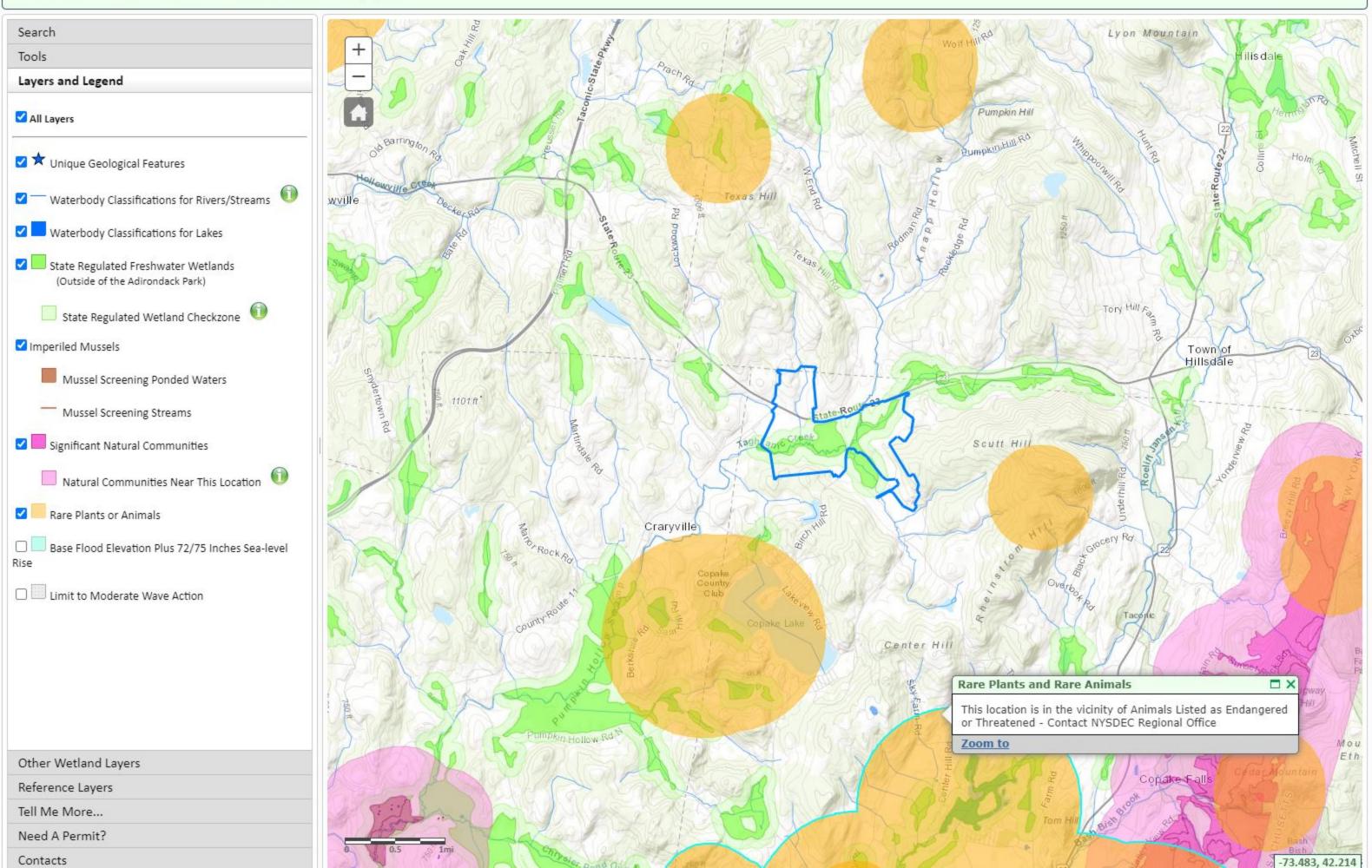


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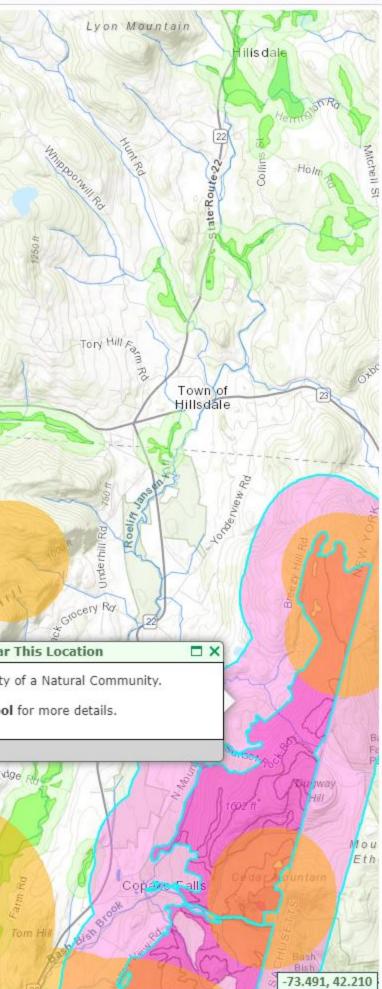


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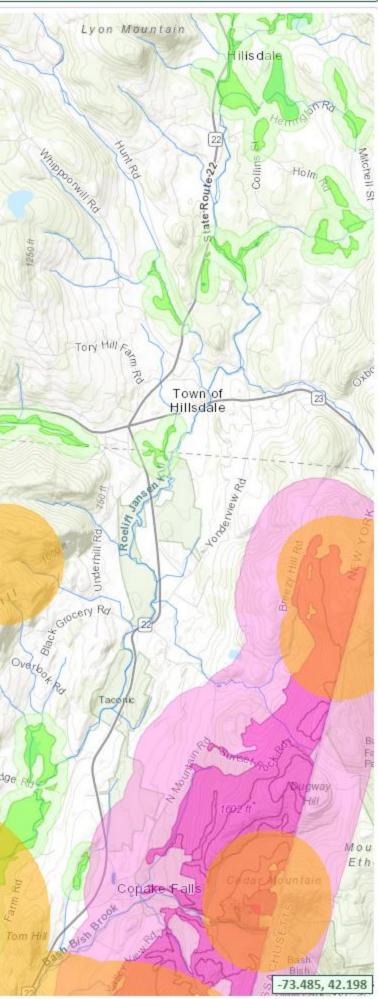
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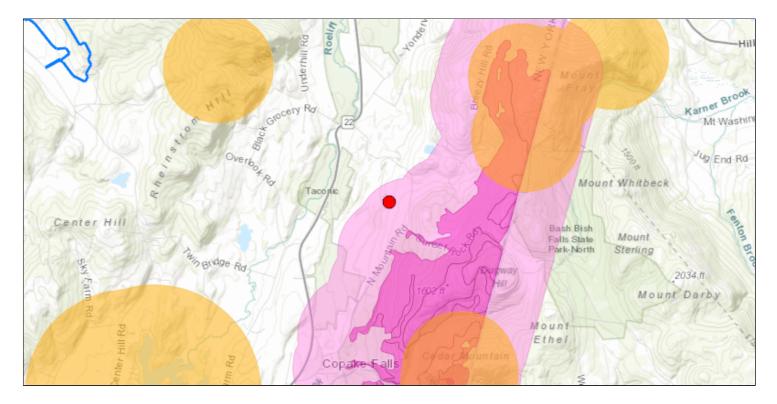
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Base Map: Topographical Vusing this map





The coordinates of the point you clicked on are:

UTM 18	Easting:	623039.6572472178	Northing:	4666788.5408801185
Longitude/Latitude	Longitude:	-73.51099684080344	Latitude:	42.14356783297628

The approximate address of the point you clicked on is: 12517, Copake Falls, New York

County: Columbia Town: Copake USGS Quad: HILLSDALE

DEC Region

Region 4:

(Capital Region/Northern Catskills) Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie counties. For more information visit <u>http://www.dec.ny.gov/about/611.html</u>.

Natural Communities in the Vicinity

Natural Community Name: Appalachian oak-hickory forest Location: Alander Mountain Ecological System: Uplands

Natural Community Name: NOTE **Location:** This mapping application does not include all freshwater wetlands in this town. Click above on the title of this table for more information. Ecological System:

National Wetands Inventory

Attribute: undefined Type: undefined Acres: undefined

For more information about the National Wetands Inventory wetlands visit http://www.fws.gov/wetlands/

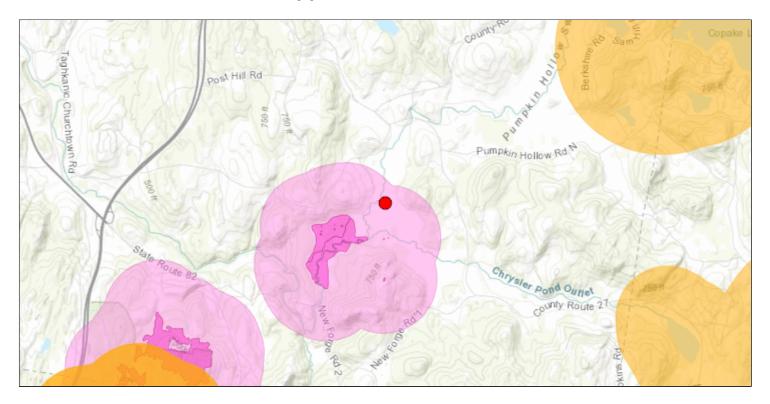
If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

Disclaimer: If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.



The coordinates of the point you clicked on are:

UTM 18	Easting:	610625.7474958466	Northing:	4663995.574755104
Longitude/Latitude	Longitude:	-73.66171552976809	Latitude:	42.12027111718938

The approximate address of the point you clicked on is: 12502, Ancram, New York

County: Columbia Town: Taghkanic USGS Quad: ANCRAM

DEC Region

Region 4:

(Capital Region/Northern Catskills) Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie counties. For more information visit <u>http://www.dec.ny.gov/about/611.html</u>.

State Regulated Freshwater Wetlands

ID: CK-41 Class: 1 Size (Acres): 583.300000000001 This location is in the vicinity of one or more Regulated Freshwater Wetlands.

Natural Communities in the Vicinity

Natural Community Name: Floodplain forest Location: New Forge Ecological System: Freshwater Nontidal Wetlands

Natural Community Name: Vernal pool Location: New Forge Ecological System: Freshwater Nontidal Wetlands

Natural Community Name: Red maple-hardwood swamp Location: New Forge Ecological System: Freshwater Nontidal Wetlands

National Wetands Inventory

Attribute: undefined Type: undefined Acres: undefined

Attribute: undefined Type: undefined Acres: undefined

For more information about the National Wetands Inventory wetlands visit http://www.fws.gov/wetlands/

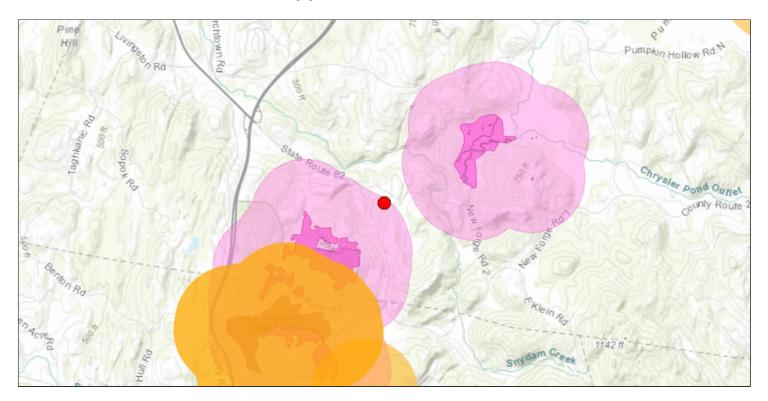
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The coordinates of the point you clicked on are:

UTM 18	Easting:	608336.6063472809	Northing:	4662404.391223183
Longitude/Latitude	Longitude:	-73.68969633421142	Latitude:	42.10626350367031

The approximate address of the point you clicked on is: 12502, Ancram, New York

County: Columbia Town: Taghkanic USGS Quad: ANCRAM

DEC Region

Region 4:

(Capital Region/Northern Catskills) Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie counties. For more information visit <u>http://www.dec.ny.gov/about/611.html</u>.

Freshwater Wetlands Checkzone

This location is in the vicinity of one or more Regulated Freshwater Wetlands.

Natural Communities in the Vicinity

Natural Community Name: Hemlock-northern hardwood forest Location: Lake Taghkanic

Ecological System: Uplands

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

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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 http://www.fws.gov/northeast/nyfo/es/section7.htm



February 04, 2022

In Reply Refer To: Project Code: 2022-0003585 Project Name: Shepherd's Run Solar

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 (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. 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 ESA, 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 site 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. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: http://www.fws.gov/northeast/nyfo/es/section7.htm

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (<u>http://www.fws.gov/windenergy/</u> <u>eagle_guidance.html</u>). Additionally, wind energy projects should follow the Services wind energy guidelines (<u>http://www.fws.gov/windenergy/</u>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <u>http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com;</u> and <u>http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/tower</u>

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 ESA. Please include the Consultation Tracking Number 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:	2022-0003585
Event Code:	None
Project Name:	Shepherd's Run Solar
Project Type:	Power Gen - Solar
Project Description:	Hecate Energy Columbia County 1 LLC, is proposing to build the
	Shepherd's Run Solar Project, a solar power facility in the Town of
	Copake, Columbia County, NY.

Project Location:

Approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@42.17062,-73.5898106405919,14z</u>



Counties: Columbia 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. <u>NOAA Fisheries</u>, 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: <u>https://ecos.fws.gov/ecp/species/5949</u>	Endangered
Reptiles NAME	STATUS
Bog Turtle <i>Glyptemys muhlenbergii</i> Population: Wherever found, except GA, NC, SC, TN, VA No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/6962</u>	Threatened
Insects NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/9743</u>	Candidate
Critical habitats	

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



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 http://www.fws.gov/northeast/nyfo/es/section7.htm



April 19, 2021

In Reply Refer To: Consultation Code: 05E1NY00-2020-SLI-2040 Event Code: 05E1NY00-2021-E-07281 Project Name: Shepherd's Run Solar

Subject: Updated 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 (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. 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 ESA, 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 site 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. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: http://www.fws.gov/northeast/nyfo/es/section7.htm

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (<u>http://www.fws.gov/windenergy/</u> <u>eagle_guidance.html</u>). Additionally, wind energy projects should follow the Services wind energy guidelines (<u>http://www.fws.gov/windenergy/</u>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <u>http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/currentBirdIssues/Hazards/currentBirdIssues/Hazards/currentBirdIssues/</u>

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 ESA. Please include the Consultation Tracking Number 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

1

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:

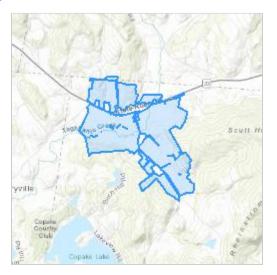
New York Ecological Services Field Office 3817 Luker Road Cortland, NY 13045-9385 (607) 753-9334

Project Summary

Consultation Code:	05E1NY00-2020-SLI-2040
Event Code:	05E1NY00-2021-E-07281
Project Name:	Shepherd's Run Solar
Project Type:	POWER GENERATION
Project Description:	Hecate Energy Columbia County 1 LLC, is proposing to build the
	Shepherd's Run Solar Project, a solar power facility in the Town of
	Copake, Columbia County, NY.

Project Location:

Approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@42.166866884179825,-73.58880834784274,14z</u>



Counties: Columbia 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. <u>NOAA Fisheries</u>, 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: <u>https://ecos.fws.gov/ecp/species/5949</u>	Endangered
Reptiles NAME	STATUS
Bog Turtle <i>Clemmys muhlenbergii</i> Population: Wherever found, except GA, NC, SC, TN, VA No critical habitat has been designated for this species.	Threatened

No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/6962</u>

Critical habitats

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