

## 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 | F: (518) 402-8925  
[www.dec.ny.gov](http://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](mailto:dep.r4@dec.ny.gov).

Sincerely,



Andrea Chaloux  
Environmental Review Specialist  
New York Natural Heritage Program





# Environmental Resource Mapper

Base Map: Topographical Using this map

Search

Tools

Layers and Legend

☒ All Layers

☒ Unique Geological Features

☒ Waterbody Classifications for Rivers/Streams

☒ Waterbody Classifications for Lakes

☒ State Regulated Freshwater Wetlands  
(Outside of the Adirondack Park)

State Regulated Wetland Checkzone

☒ Imperiled Mussels

Mussel Screening Ponded Waters

Mussel Screening Streams

☒ Significant Natural Communities

Natural Communities Near This Location

☒ Rare Plants or Animals

☐ Base Flood Elevation Plus 72/75 Inches Sea-level  
Rise

☐ Limit to Moderate Wave Action

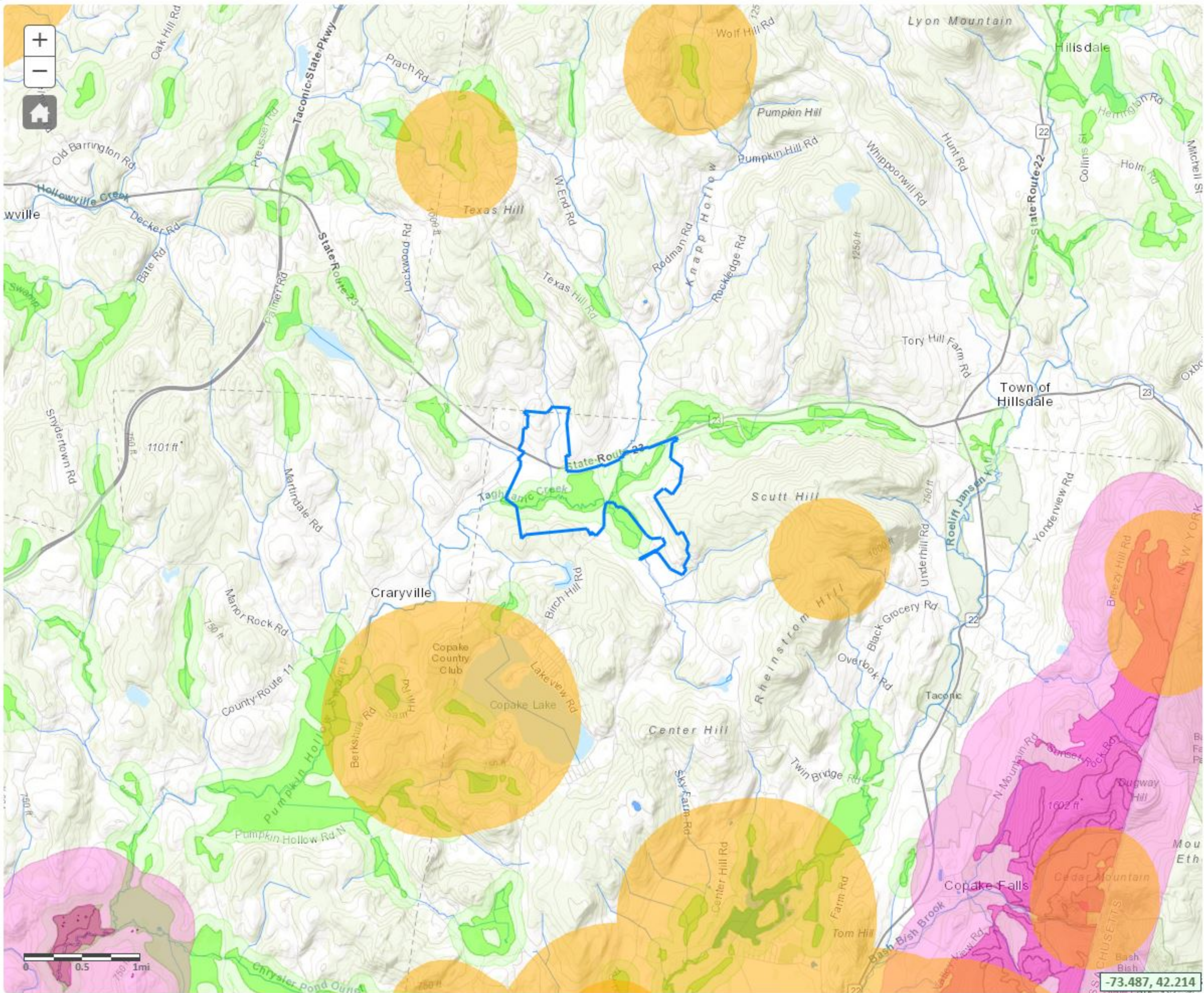
Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

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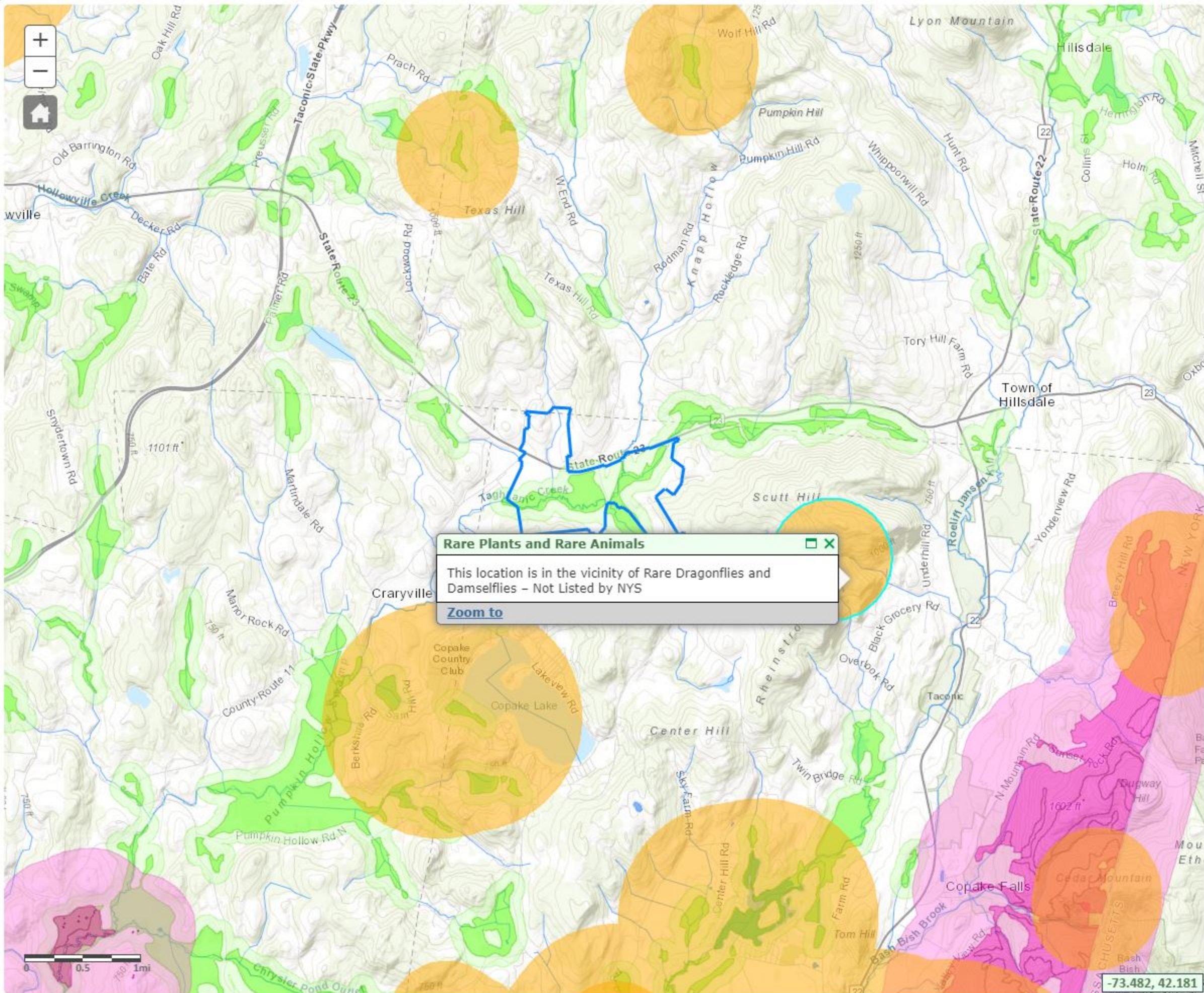
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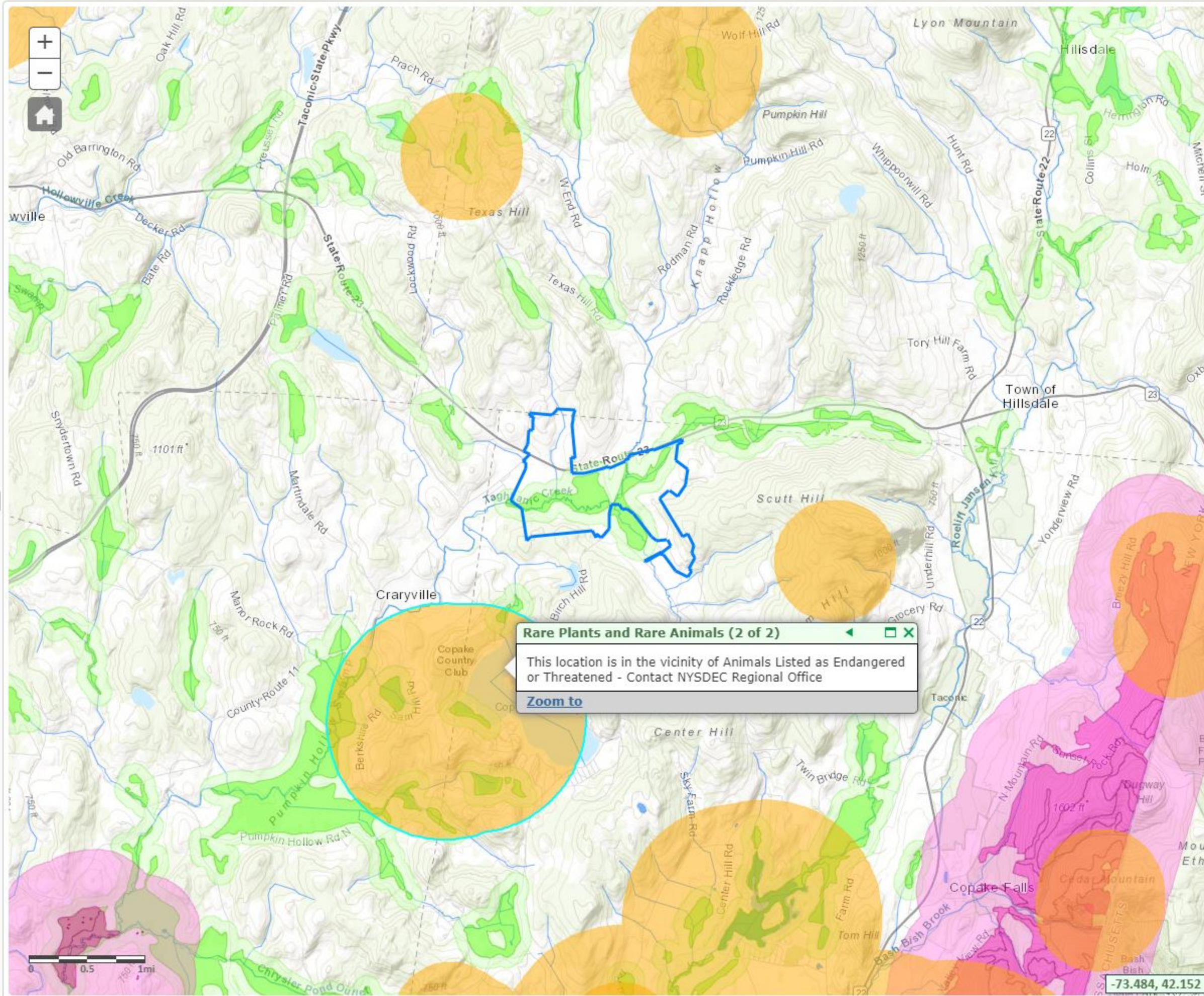
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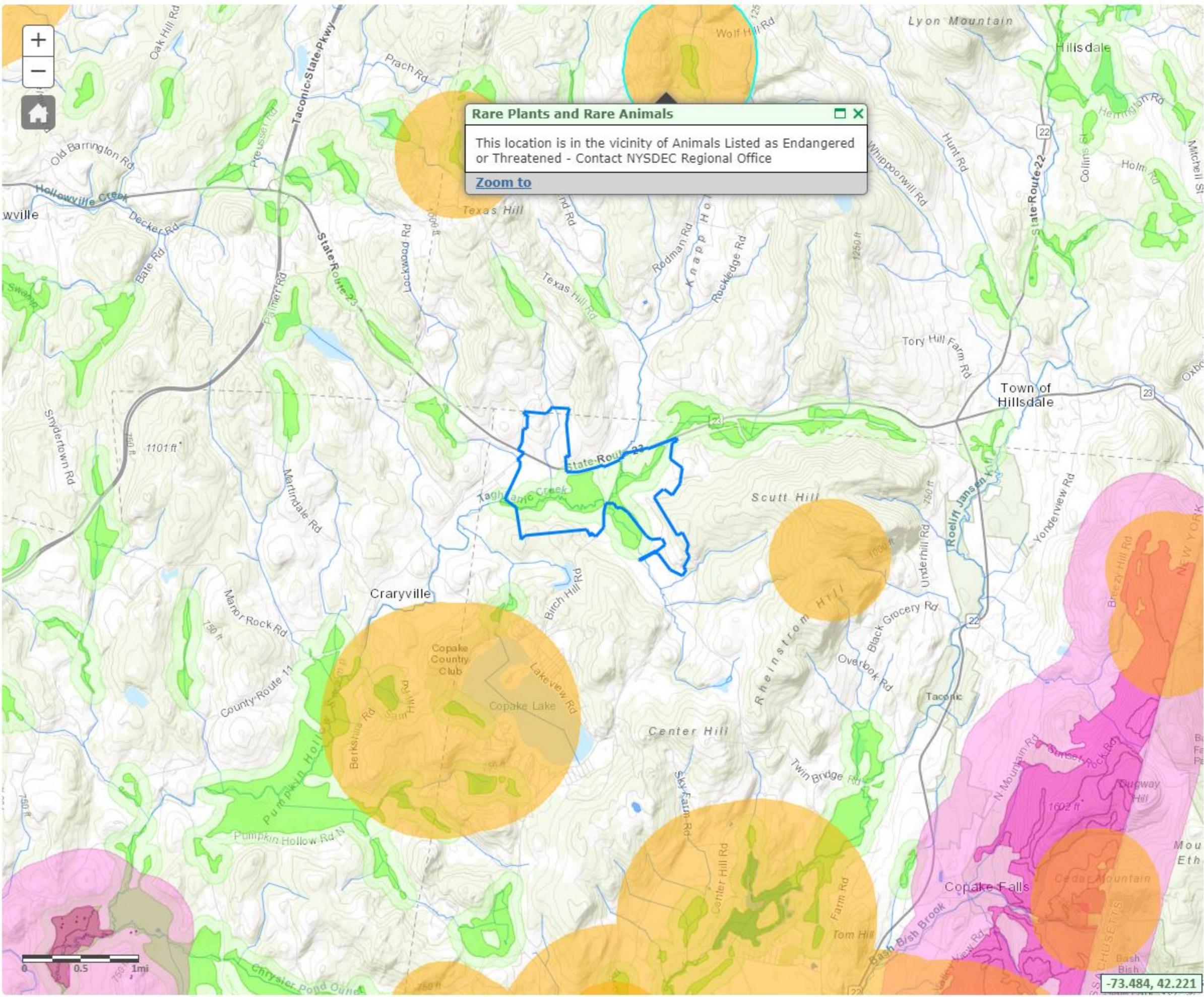
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-73.484, 42.221





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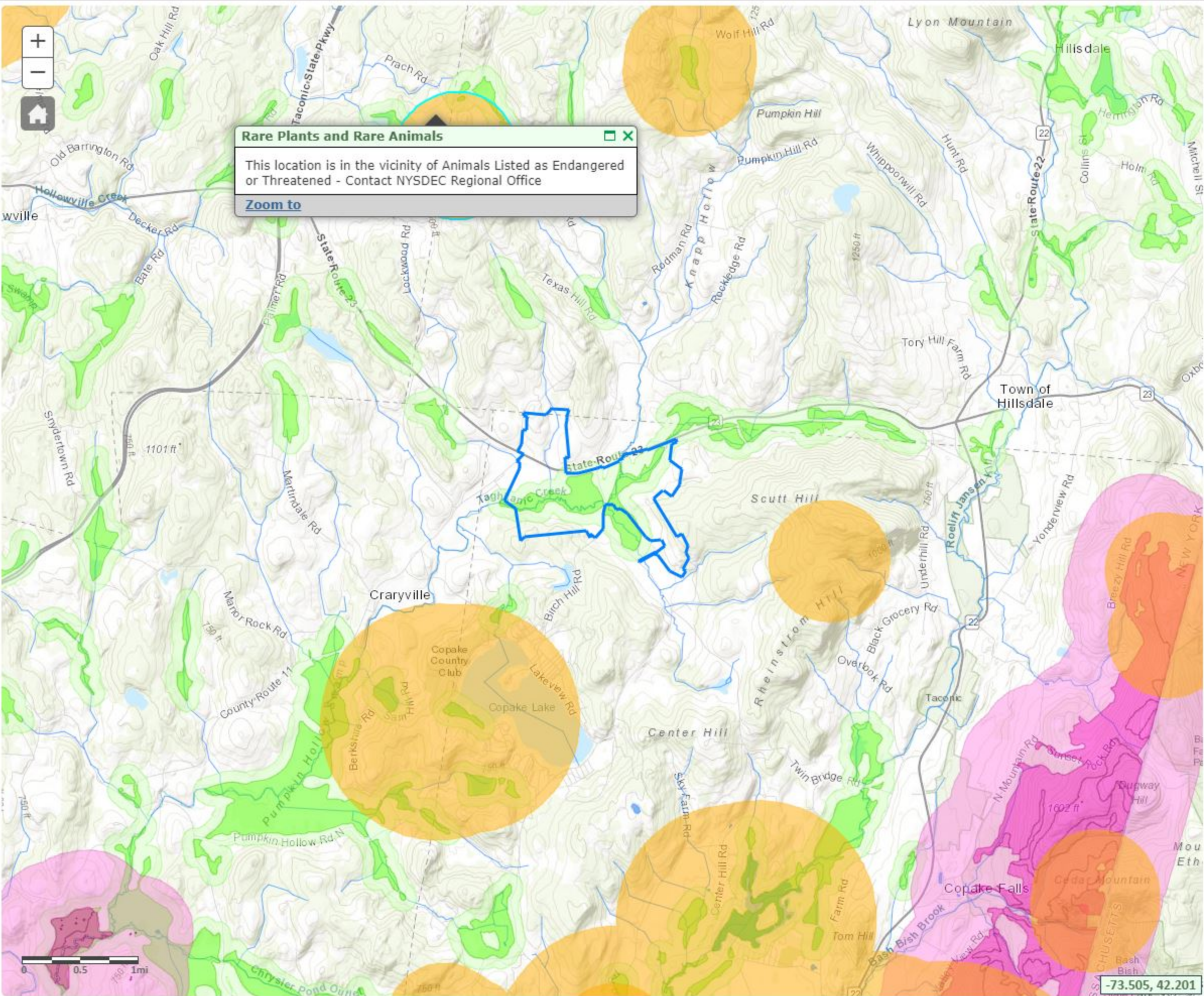
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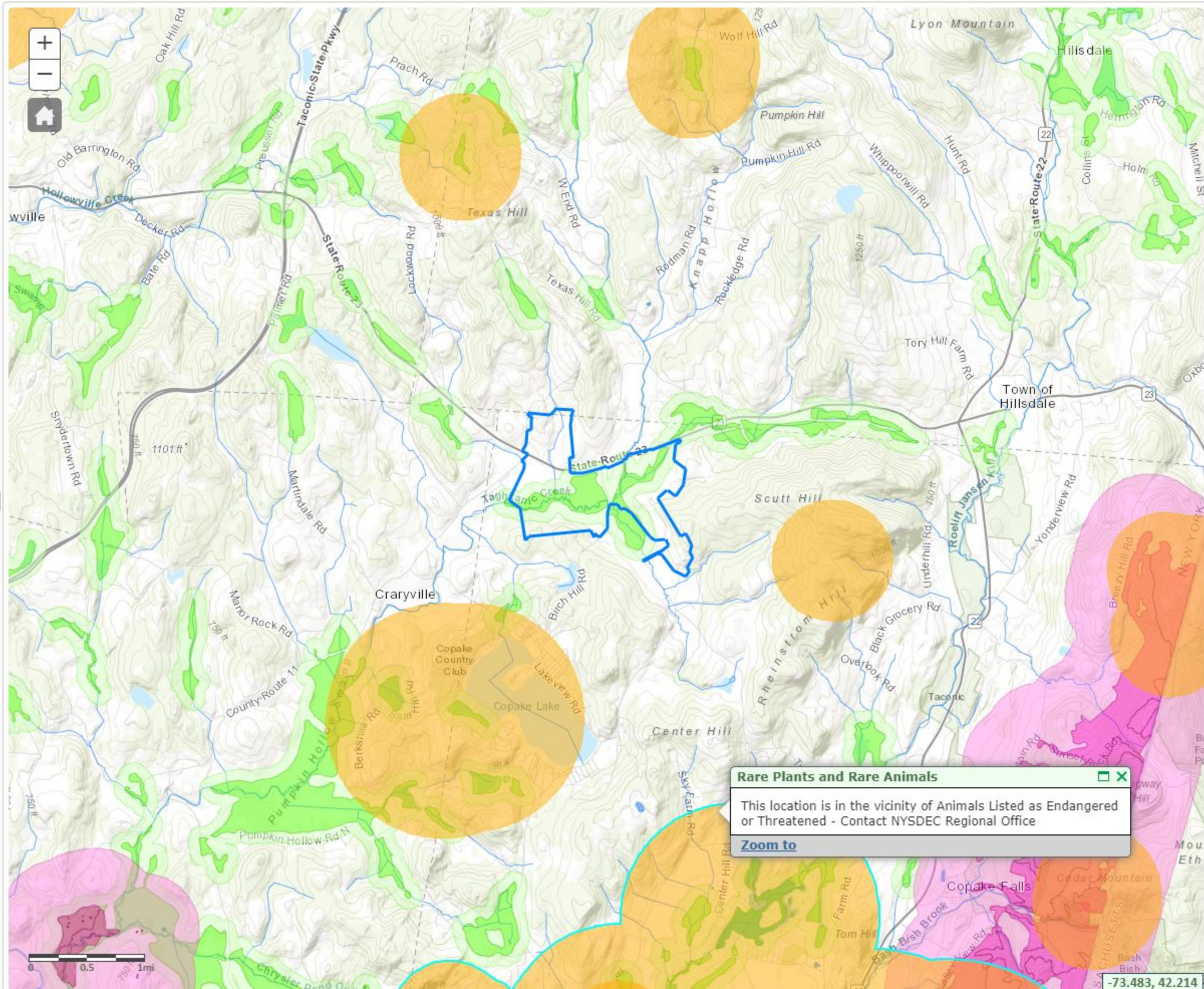
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### Rare Plants and Rare Animals

This location is in the vicinity of Animals Listed as Endangered or Threatened - Contact NYSDEC Regional Office

[Zoom to](#)

-73.483, 42.214





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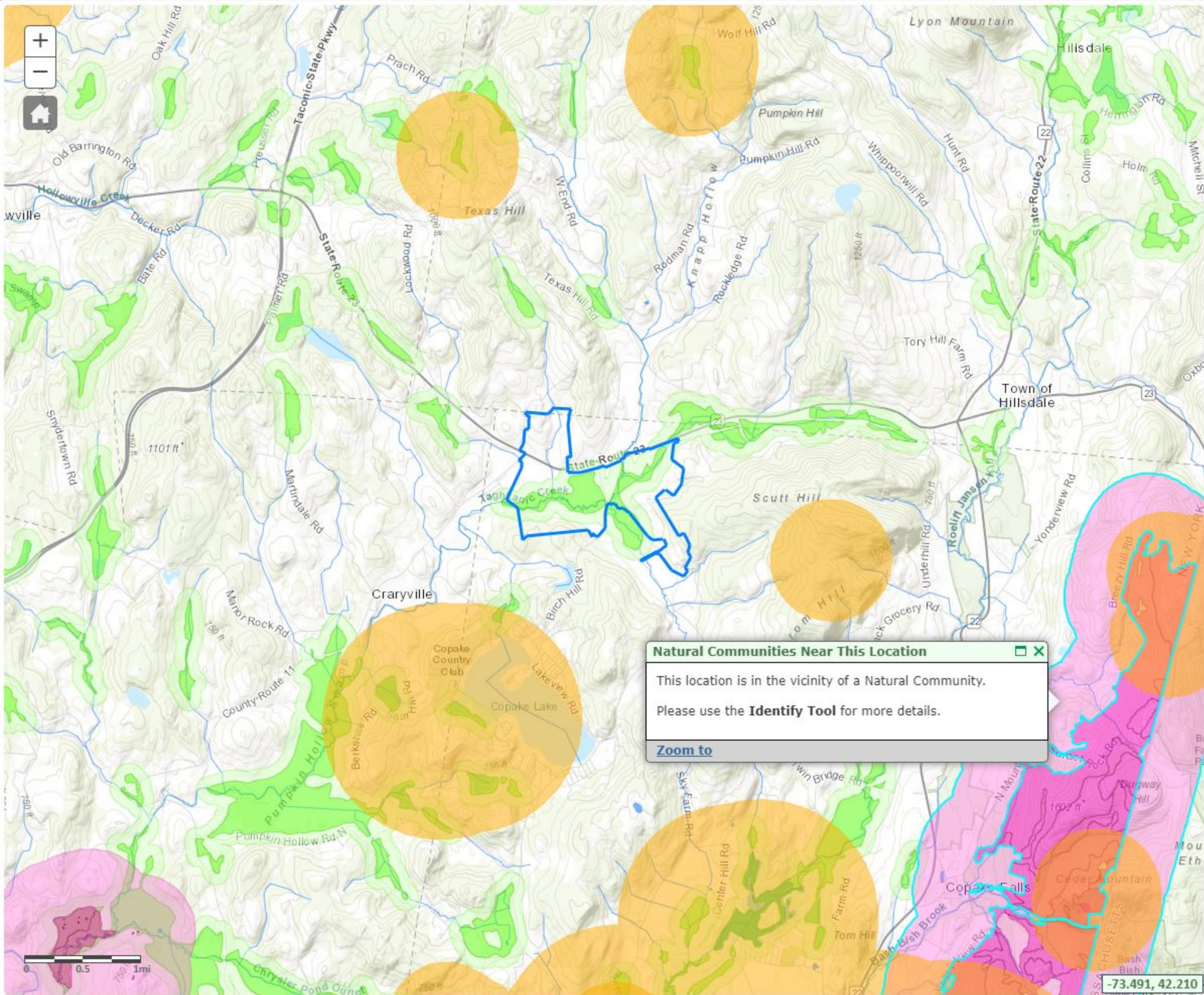
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Natural Communities Near This Location

This location is in the vicinity of a Natural Community.  
Please use the **Identify Tool** for more details.

[Zoom to](#)





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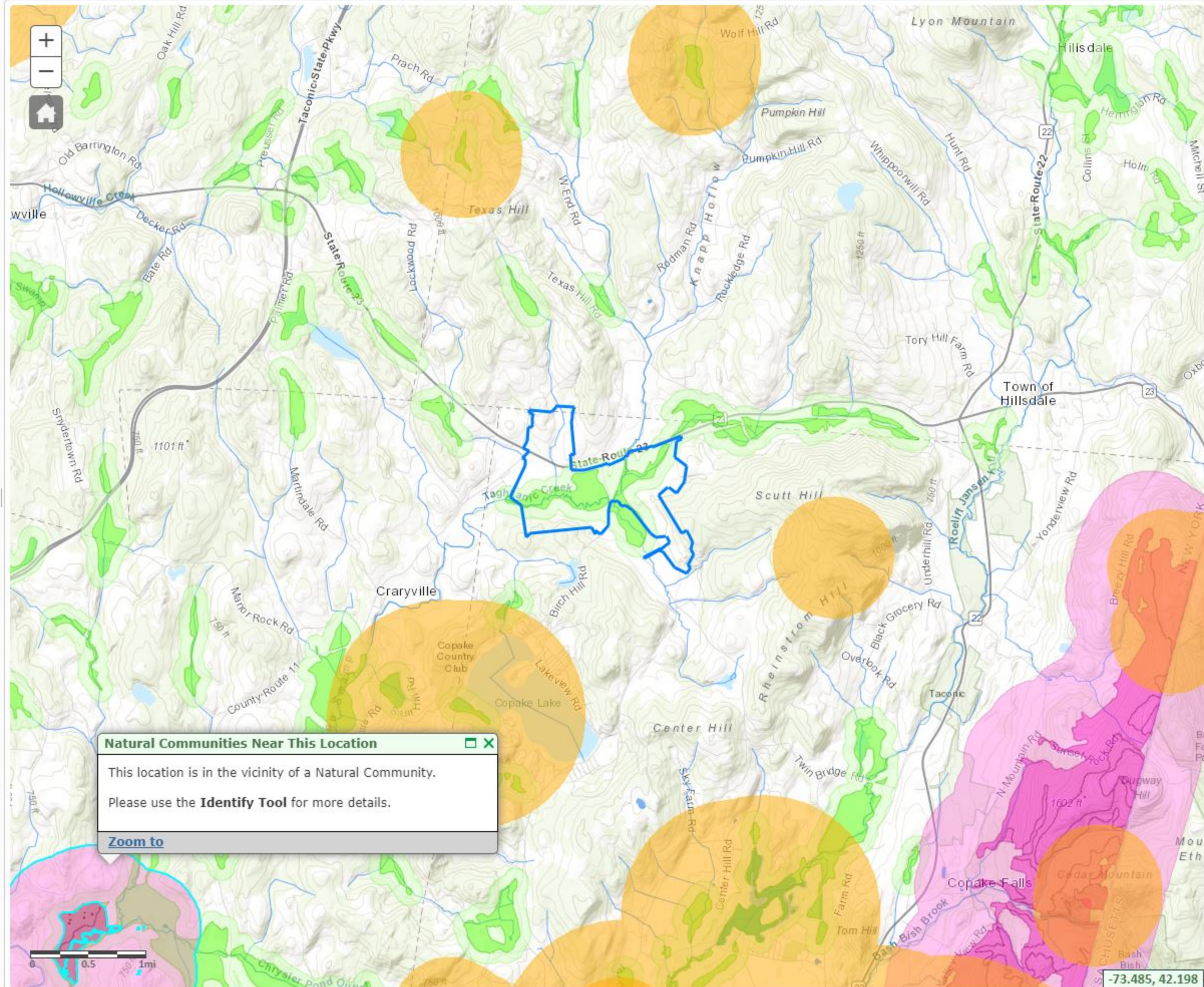
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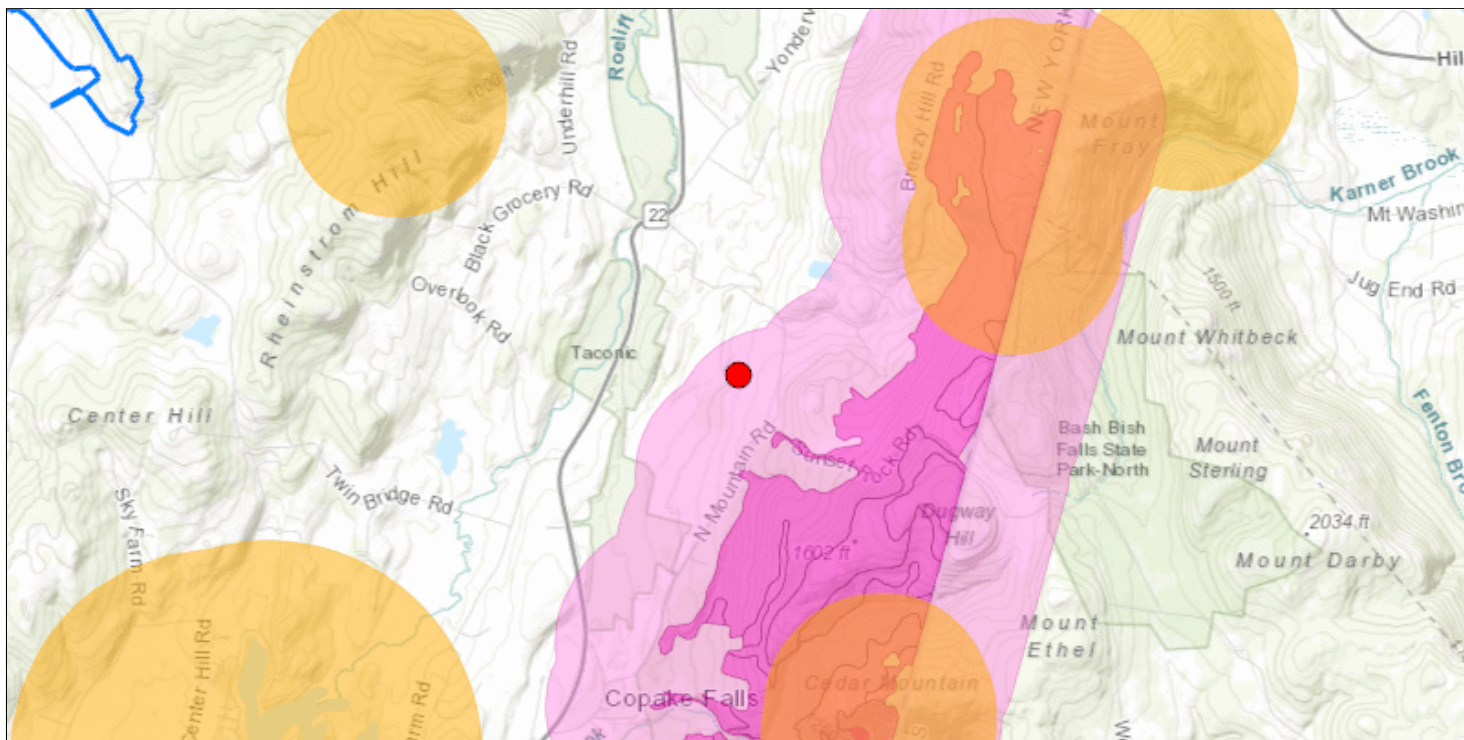
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Contacts





# Environmental Resource Mapper



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 <http://www.dec.ny.gov/about/611.html>.

## 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.

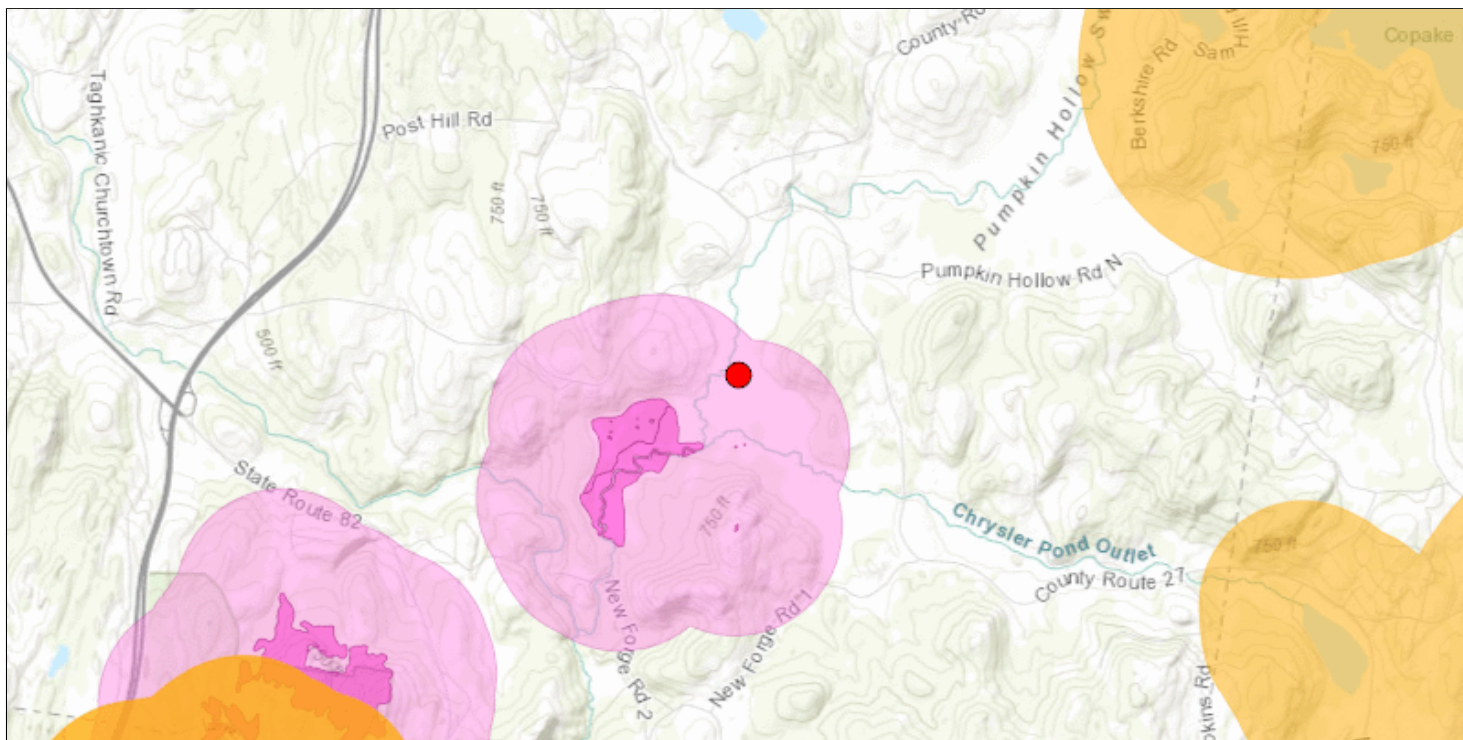
The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

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.



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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:

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## State Regulated Freshwater Wetlands

**ID:** CK-41

**Class:** 1

**Size (Acres):** 583.3000000000001

## Freshwater Wetlands Checkzone



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 Wetlands Inventory**

**Attribute:** undefined

**Type:** undefined

**Acres:** undefined

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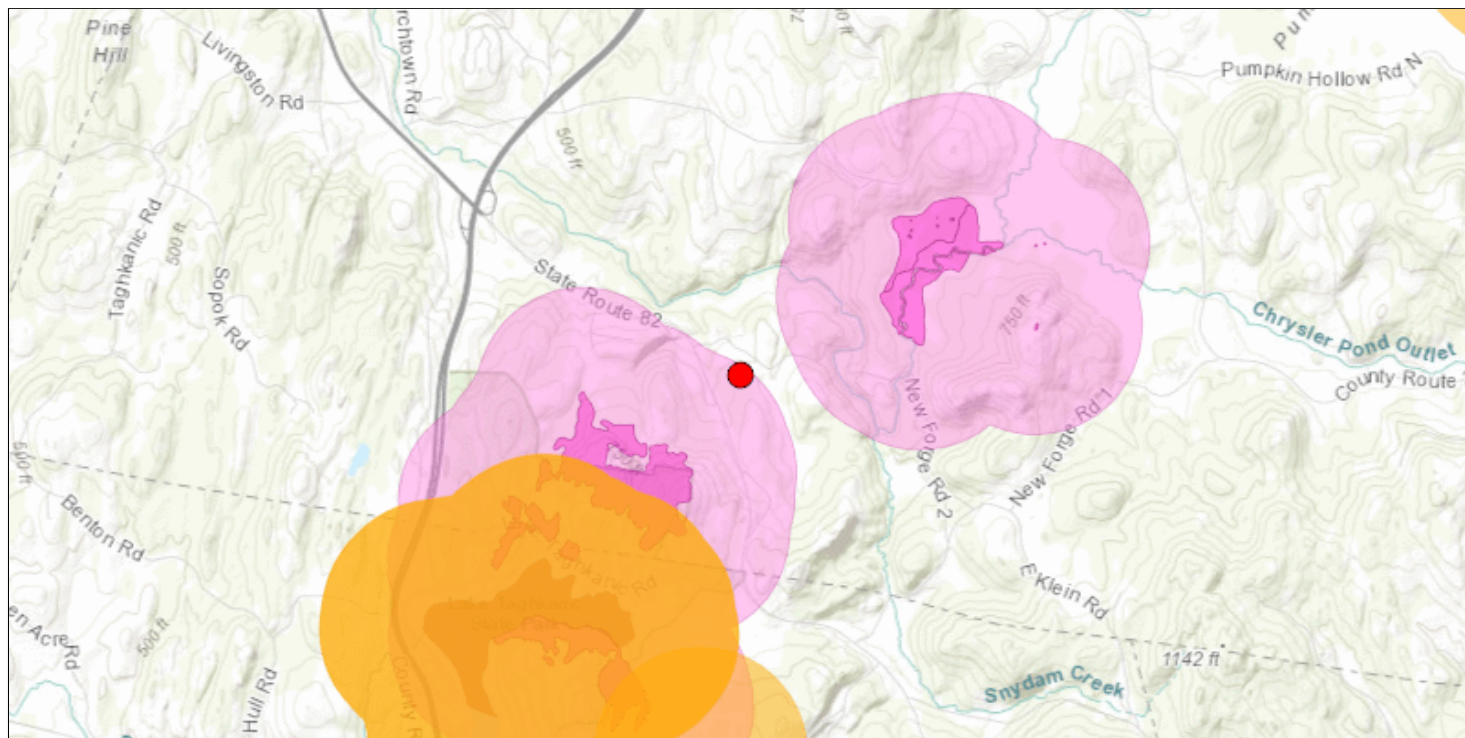
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Northing: 4662404.391223183

Longitude/Latitude

Longitude: -73.68969633421142

Latitude: 42.10626350367031

The approximate address of the point you clicked on is:

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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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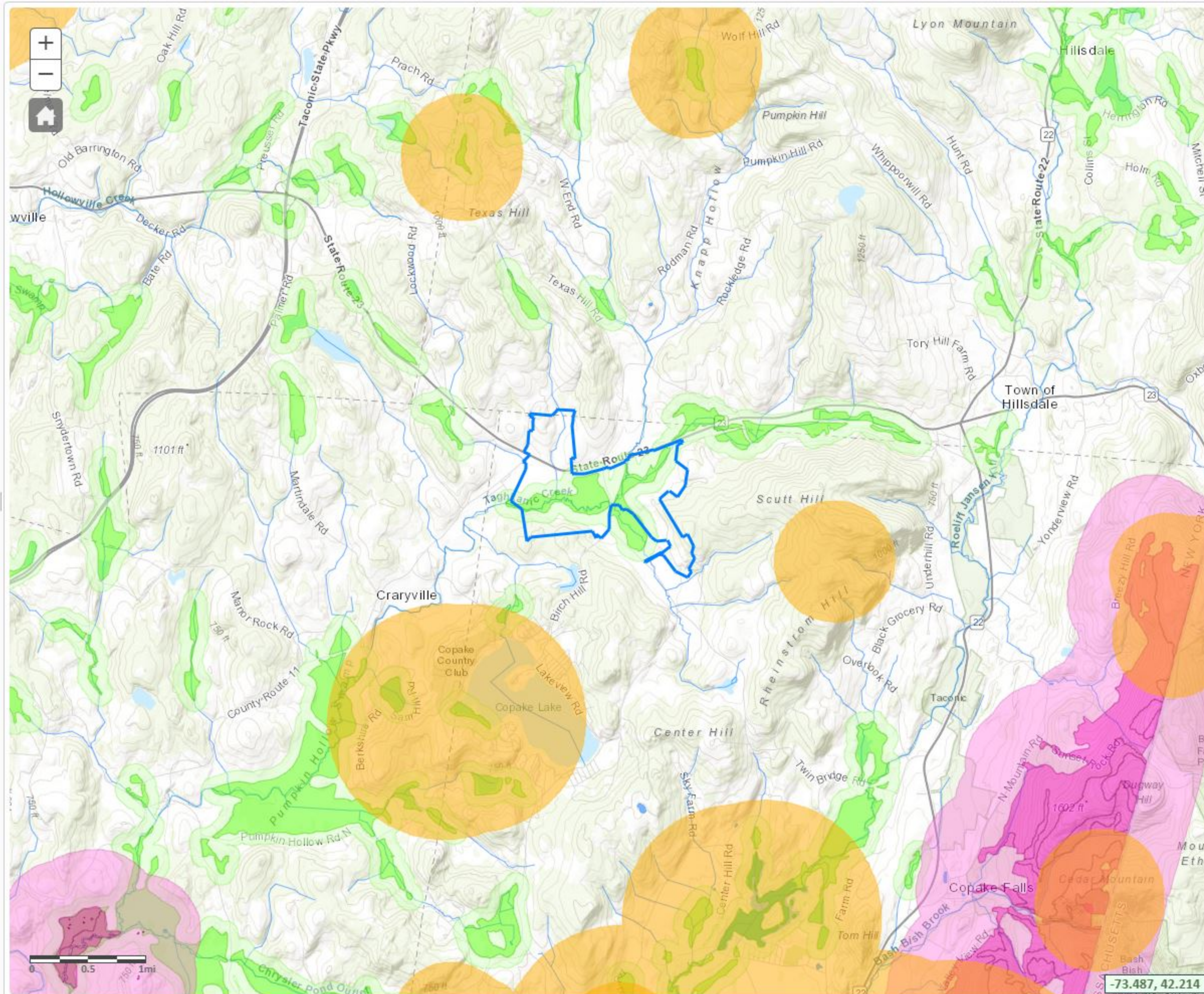
### Other Wetland Layers

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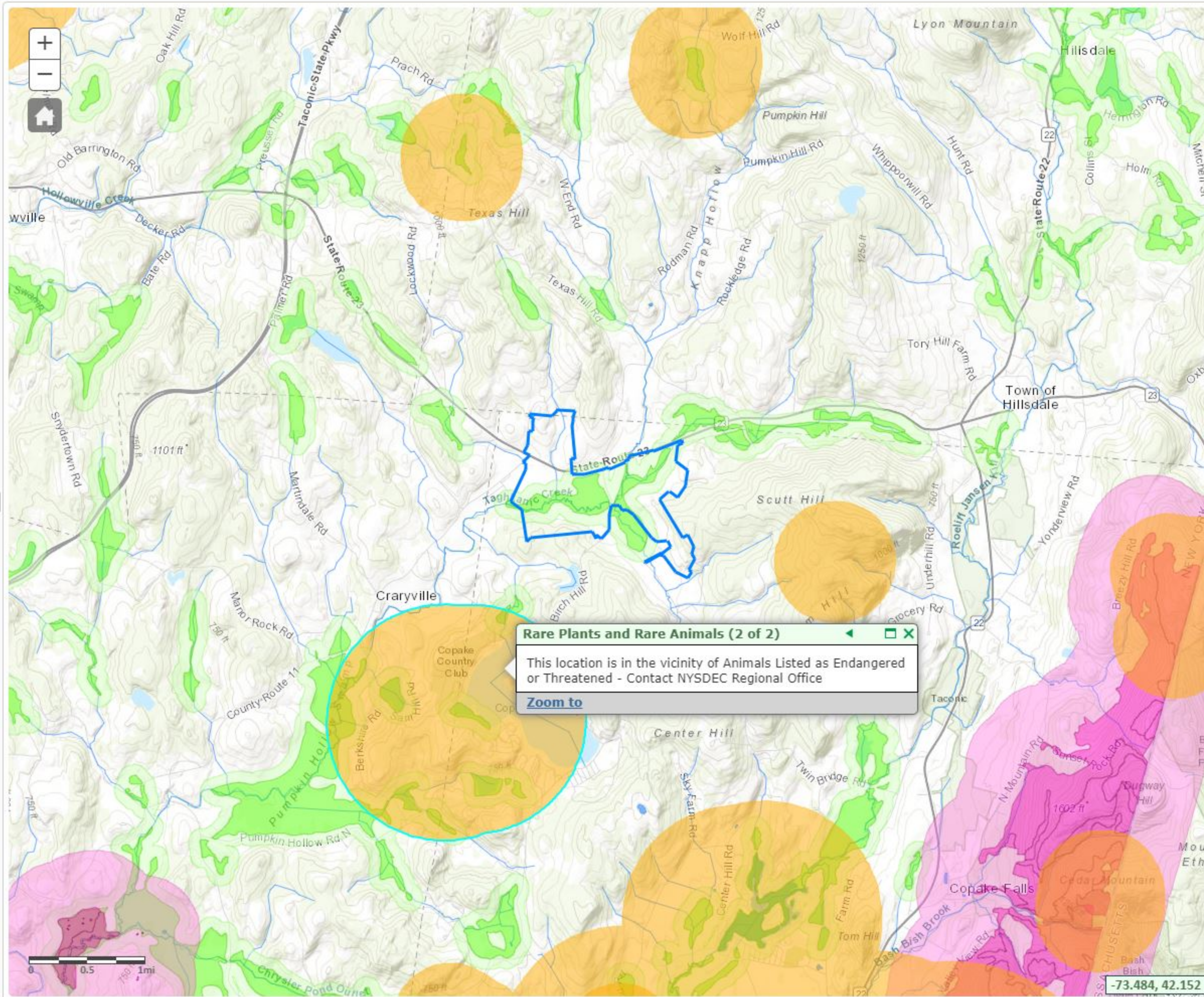
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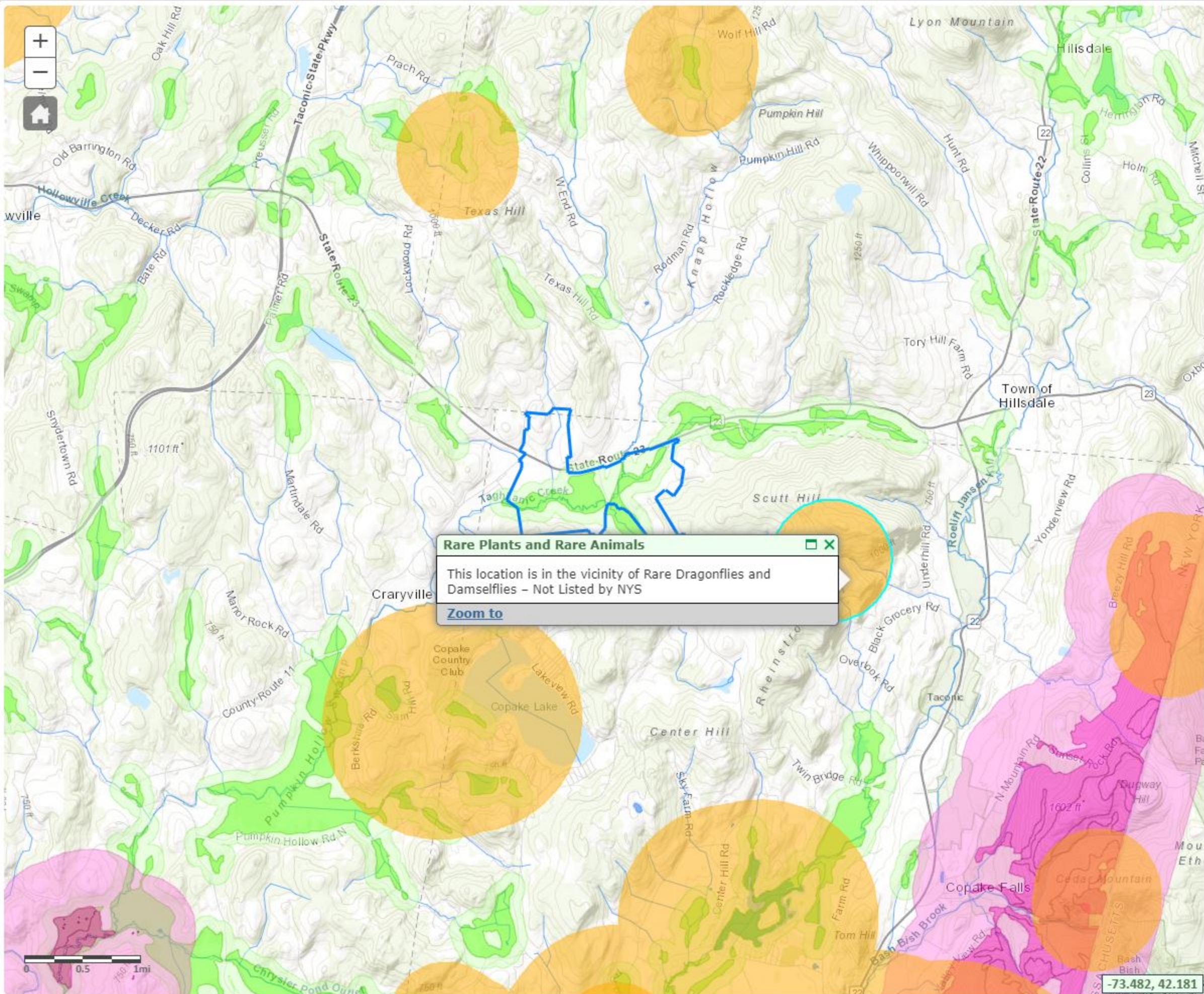
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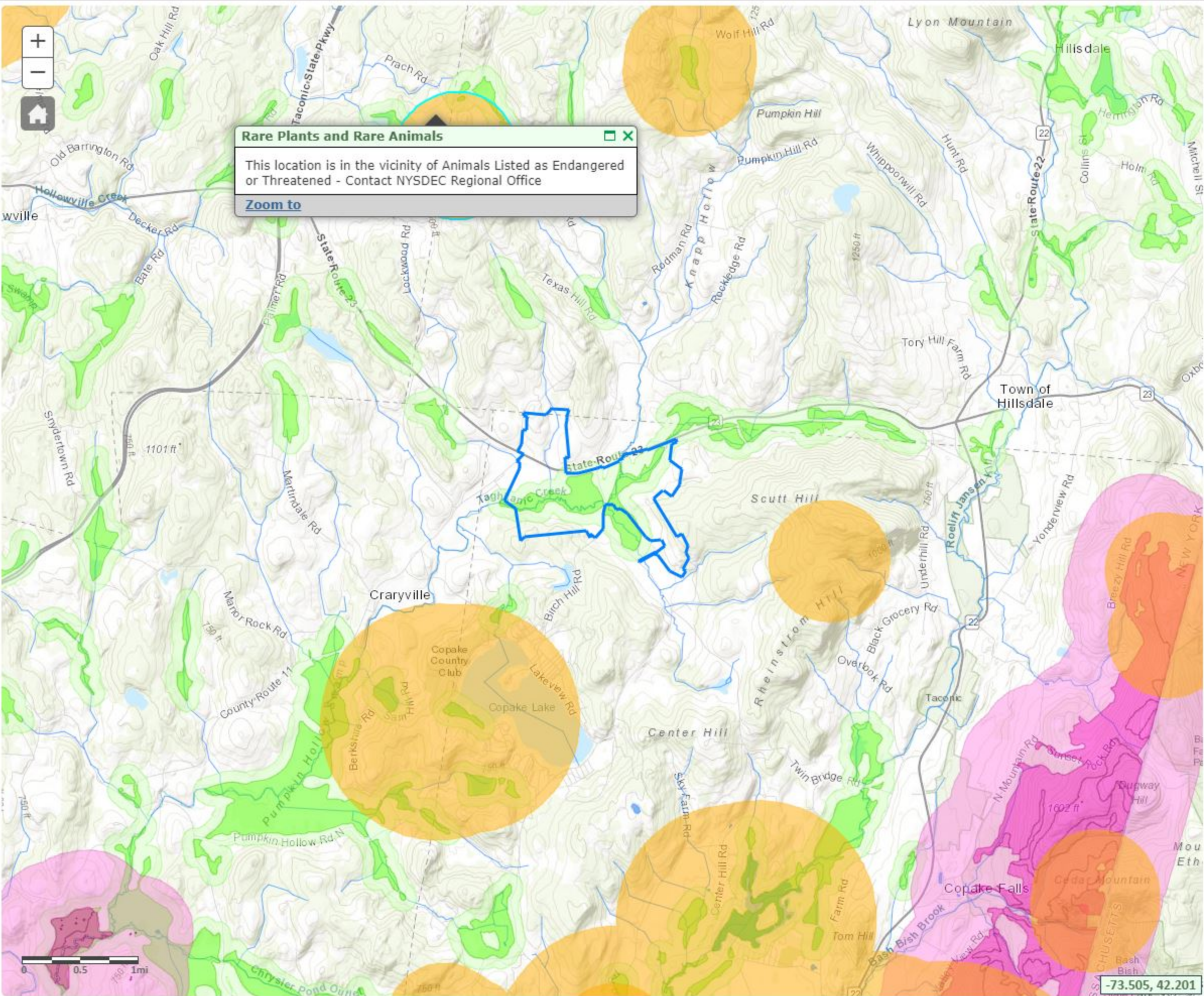
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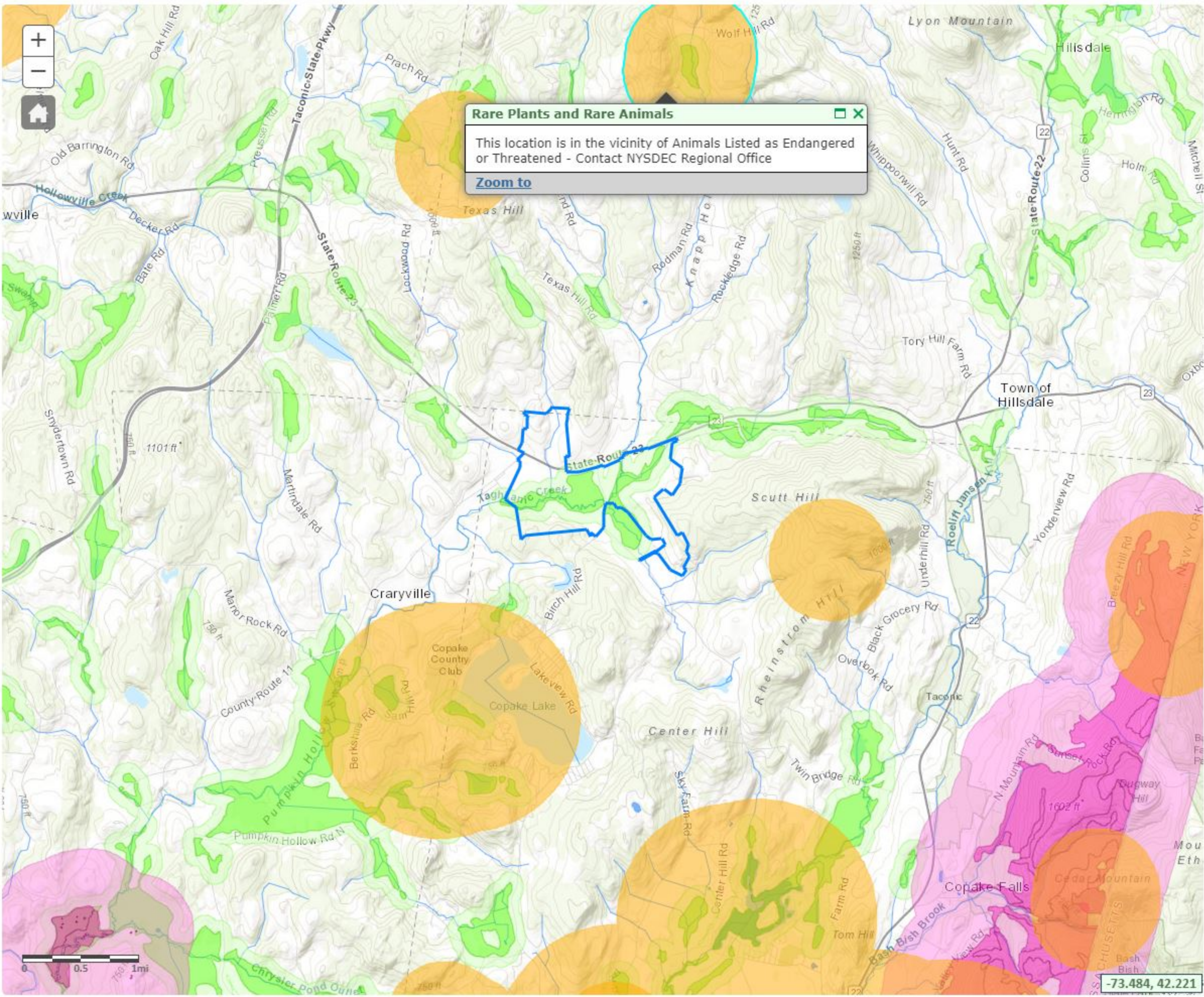
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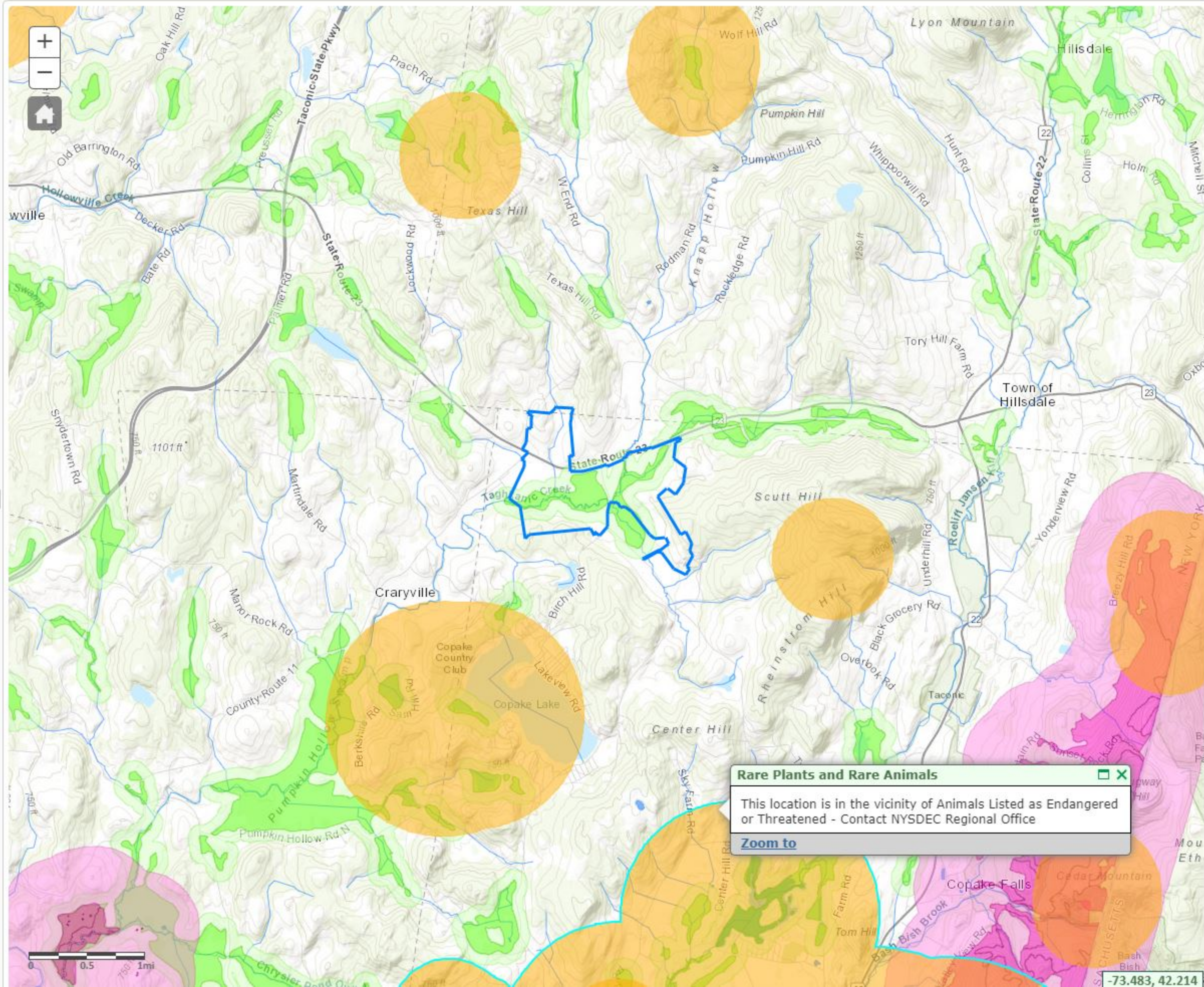
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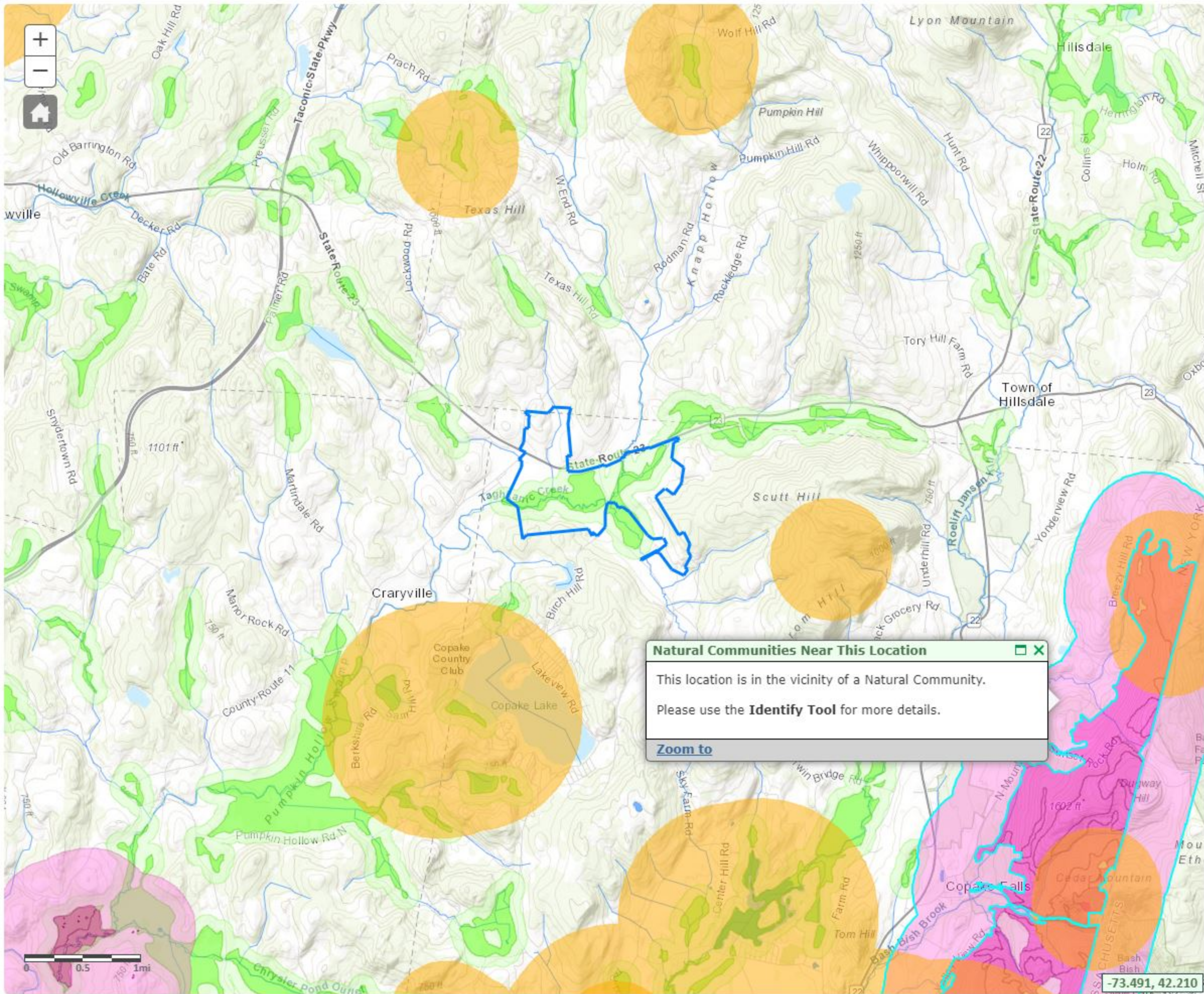
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Natural Communities Near This Location

This location is in the vicinity of a Natural Community.  
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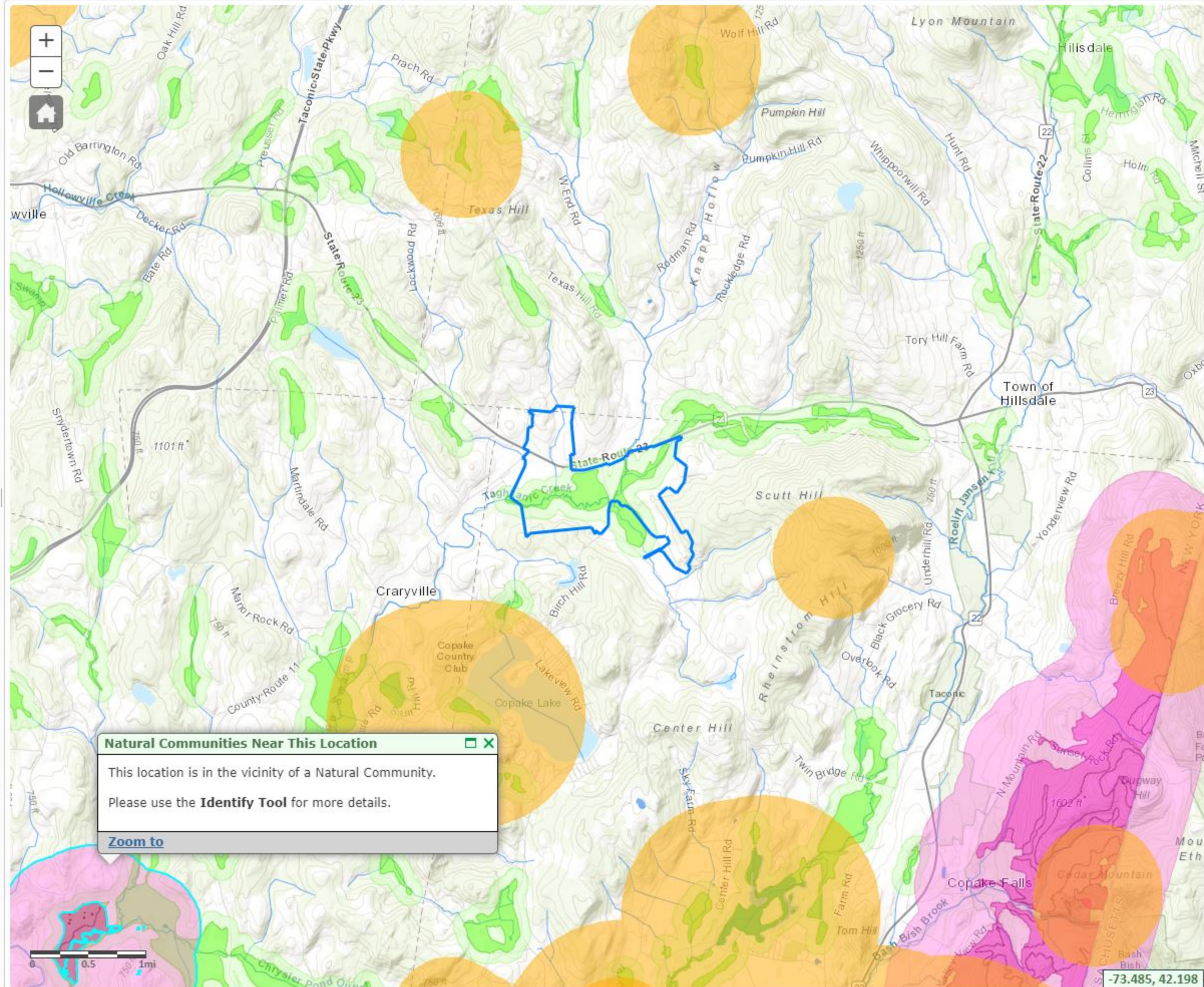
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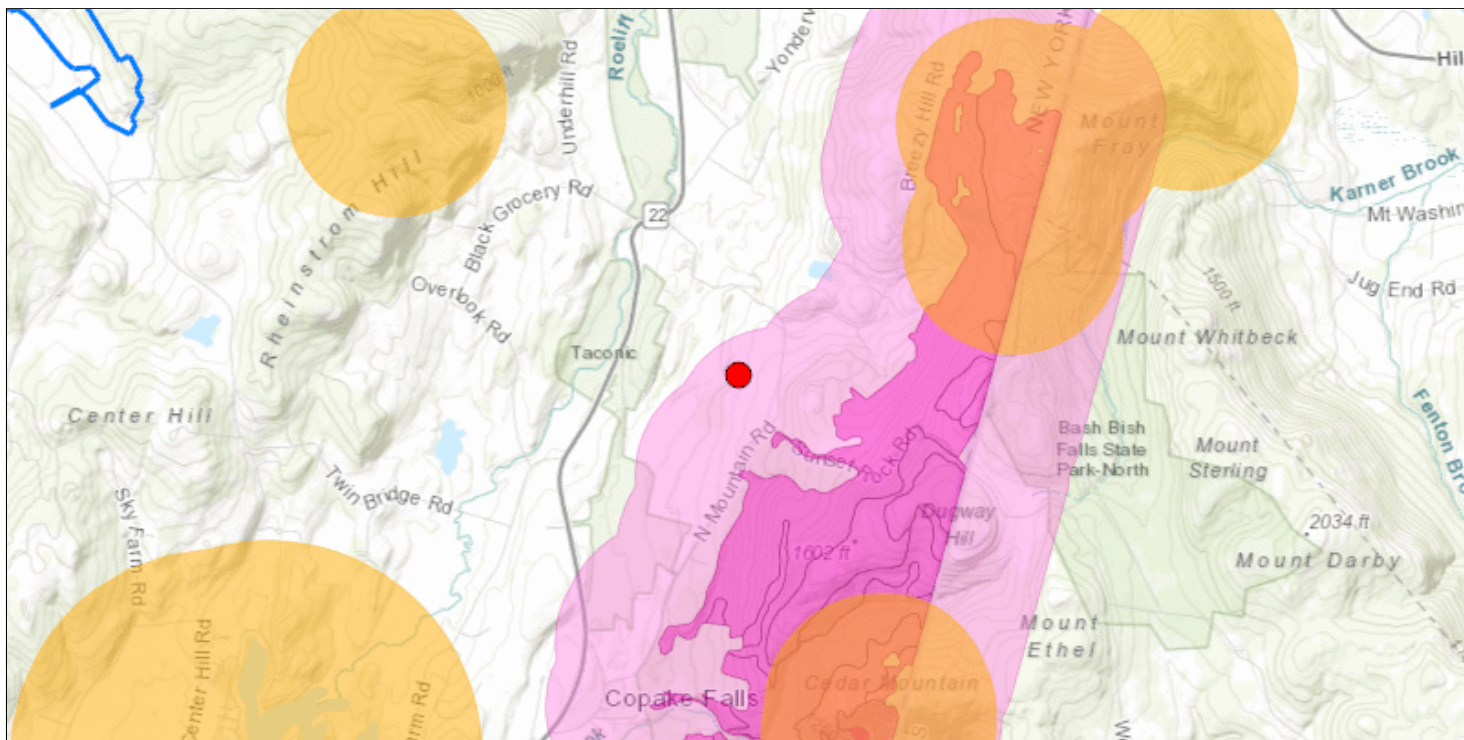
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**Ecological System:** Uplands

**Natural Community Name:** NOTE

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table for more information.

**Ecological System:**

**National Wetands Inventory**

**Attribute:** undefined

**Type:** undefined

**Acres:** undefined

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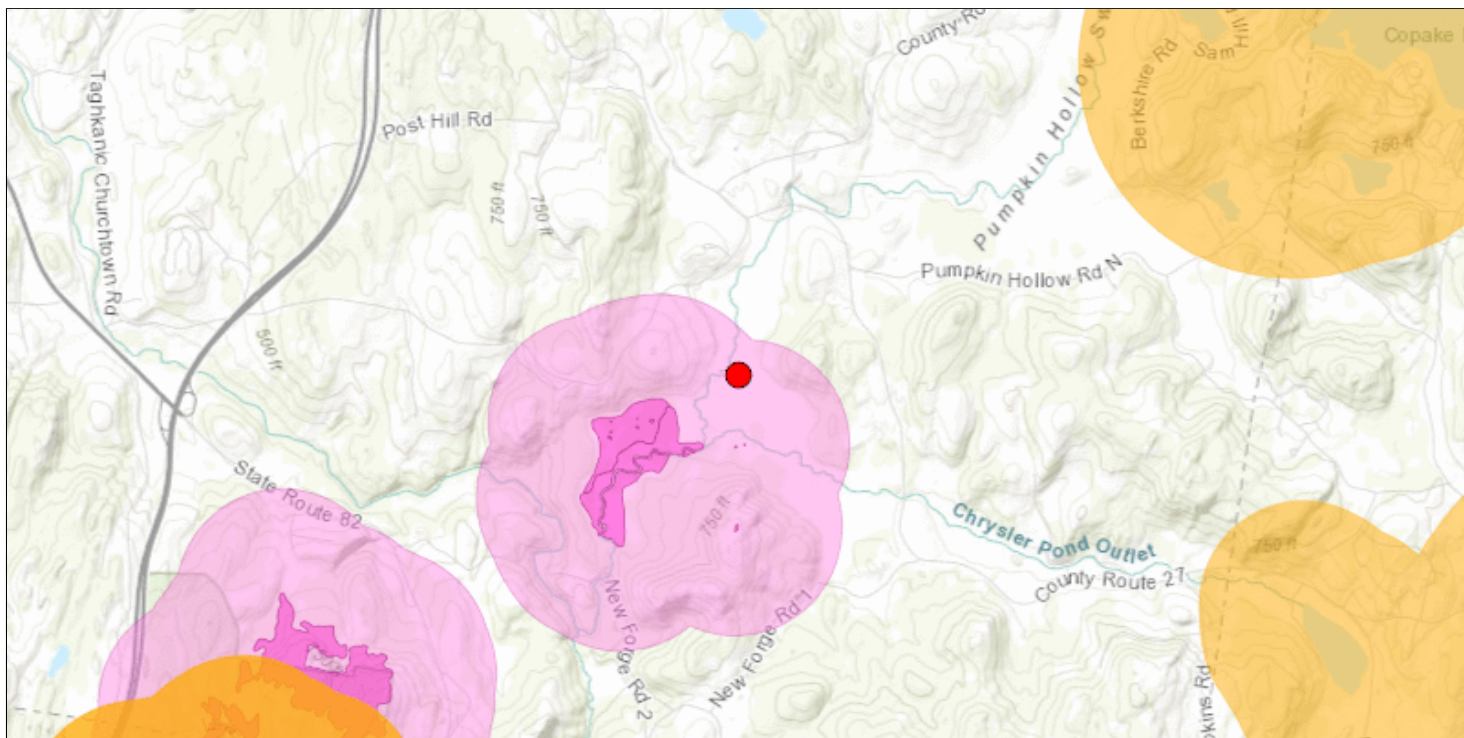
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Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

**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.



# Environmental Resource Mapper



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 <http://www.dec.ny.gov/about/611.html>.

## State Regulated Freshwater Wetlands

**ID:** CK-41

**Class:** 1

**Size (Acres):** 583.3000000000001

## Freshwater Wetlands Checkzone



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 Wetlands Inventory**

**Attribute:** undefined

**Type:** undefined

**Acres:** undefined

**Attribute:** undefined

**Type:** undefined

**Acres:** undefined

For more information about the National Wetlands 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.

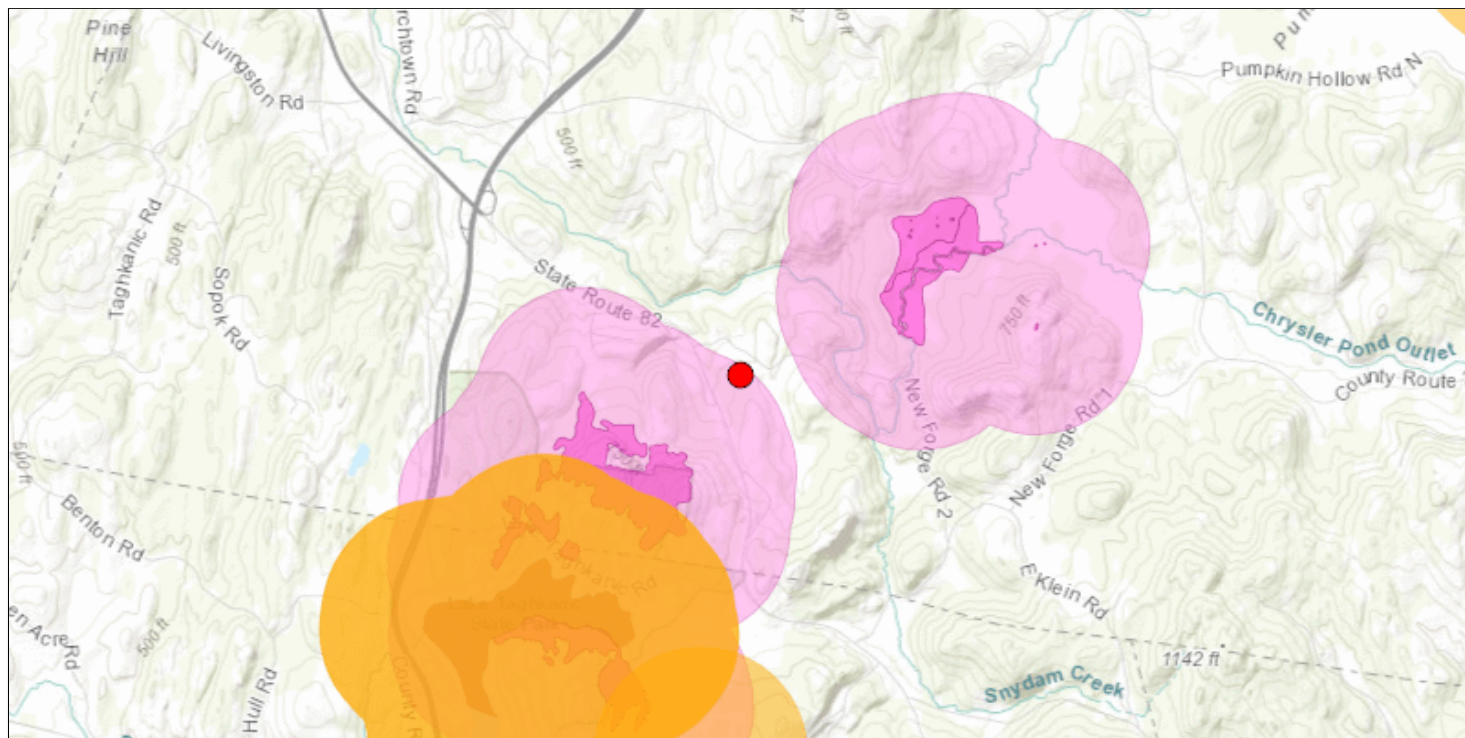
The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

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

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# Environmental Resource Mapper



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 <http://www.dec.ny.gov/about/611.html>.

## 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>



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

February 04, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (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 ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the Services wind



energy guidelines (<http://www.fws.gov/windenergy/>) 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: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

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

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## Project Summary

Project Code: 2022-0003585

Event Code: None

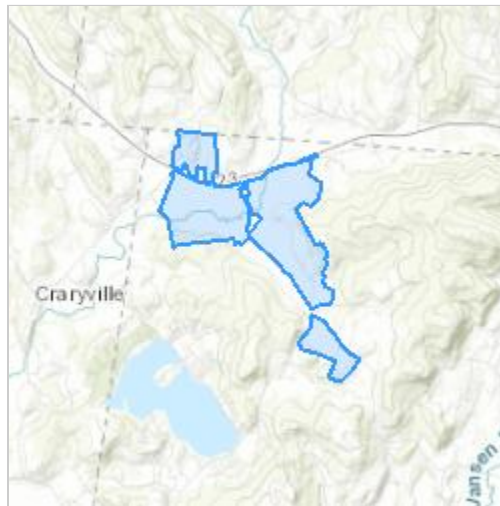
Project Name: Shepherd's Run Solar

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: <https://www.google.com/maps/@42.17062,-73.5898106405919,14z>



Counties: Columbia County, New York

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## 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 Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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

## Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	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: <a href="https://ecos.fws.gov/ecp/species/6962">https://ecos.fws.gov/ecp/species/6962</a>	Threatened

## Insects

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

## Critical habitats

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





## United States Department of the Interior



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New York Ecological Services Field Office

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Phone: (607) 753-9334 Fax: (607) 753-9699

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

In Reply Refer To:

April 19, 2021

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 ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the Services wind



energy guidelines (<http://www.fws.gov/windenergy/>) 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: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

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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

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## Project Summary

Consultation Code: 05E1NY00-2020-SLI-2040

Event Code: 05E1NY00-2021-E-07281

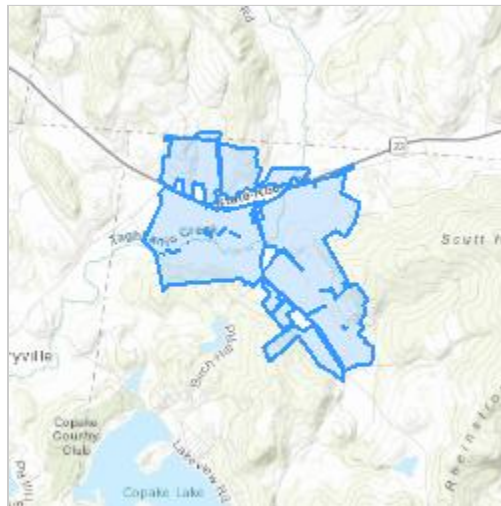
Project Name: Shepherd's Run Solar

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: <https://www.google.com/maps/@42.166866884179825,-73.58880834784274,14z>



Counties: Columbia County, New York

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## 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.

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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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## Mammals

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

## Reptiles

NAME	STATUS
Bog Turtle <i>Clemmys muhlenbergii</i>	Threatened
Population: Wherever found, except GA, NC, SC, TN, VA No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6962">https://ecos.fws.gov/ecp/species/6962</a>	

## Critical habitats

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