HABITAT SURVEY REPORT

North Chelsea Solar
30 Duck Pond Road
Wappingers Falls, New York
LaBella Project No. 2232856

Prepared For:
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Date:
March 2024

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1.0 INTRODUCTION

1.1 PROJECT DESCRIPTION

Carson Power, LLC (Client) retained LaBella Associates, D.P.C. (LaBella) to perform a habitat survey for the North Chelsea Solar Project. For the purposes of the habitat survey, the Study Area is defined as an 84-acre area on tax parcel 6056-02-955845 and a portion of tax parcel 6057-04-898012 in the Town of Wappinger, Dutchess County, New York. Please refer to Appendix A, Figure 1 for the Study Area location and boundary. The geographic coordinates of the approximate Study Area center are: 41.5605513, -73.9325049 (NAD83). LaBella conducted a field survey to document existing habitats, plants, and wildlife within the Study Area on March 6, 2024.

1.2 PURPOSE

This report was prepared for the purpose of obtaining concurrence from the United States Fish and Wildlife Service (USFWS) and the New York State Department of Environmental Conservation (NYSDEC) Region 3 on the potential for protected species habitat within the Study Area, in support of the Project. Specific tasks performed for this report include a field survey to document vegetation cover types and plant species composition on-site and noting existing conditions including any structures or disturbances.

This report describes the results of the survey and data collection efforts performed by LaBella, and a description of the habitats that were surveyed. This document is intended to provide the information required to support consultation with USFWS and NYSDEC on state and federally listed species.

2.0 METHODOLOGY

2.1 RESOURCES

Materials and literature supporting this investigation are derived from a number of sources, including: USFWS list of protected species that may occur at the Study Area (letter dated March 28, 2024); NYSDEC Environmental Resource Mapper (ERM) for protected wildlife, plants, and significant habitats in the vicinity of the Study Area (NYSDEC, 2024A); NYSDEC Environmental Assessment Form (EAF) Mapper (NYSDEC, 2024B); United States Geological Survey (USGS) topographic mapping; and a New York Natural Heritage Program (NYNHP) report on state listed species (May 10, 2023).

3.0 PROPOSED PROJECT AND SITE DESCRIPTION

The proposed Project entails the construction of a solar array on a portion of the Study Area. The Study Area currently features a residential home with a maintained lawn in the western portion of the Study Area, undeveloped forest, forested wetlands located in low lying areas, a utility right-of-way (ROW) located along the northwestern boundary and central portions of the Study Area, and a portion of an existing solar array with an access road in the northern portion of the Study Area. The surrounding area is comprised mostly of undeveloped forest, with areas of light residential development, utility ROW, and a solar array adjacent to the access road to the north. Photographs of the Study Area and

impact areas are attached as Appendix B. A complete list of plant species observed within the Study Area is included as Appendix D.

4.0 SPECIES OF CONCERN

LaBella reviewed USFWS correspondence (USFWS Species List dated March 28, 2024) which lists several species that may occur within the general vicinity of the Study Area. Similarly, NYSDEC ERM and EAF Mapper and the NYNHP report (NYNHP letter dated May 10, 2023) were reviewed, which provided a record of known occurrences of state listed species within the vicinity of the Study Area. The Species indicated by USFWS, NYSDEC, and NYNHP are listed below:

Table 1. Species listed by USFWS, NYSDEC, and NYNHP for the Study Area

Scientific Name	Common Name	Federal Listing	State Listing	Flagged by
Butterflies				
Danaus plexippus	Monarch butterfly	Candidate	Not Listed	USFWS
Reptiles				
Glyptemys muhlenbergii	Bog turtle	Threatened	Endangered	USFWS
Mammals				
Myotis septentrionalis	Northern long-eared bat	Endangered	Endangered	USFWS/NYNHP
Myotis sodalis	Indiana bat	Endangered	Endangered	USFWS/NYNHP
Perimyotis subflavus	Tricolored Bat	Proposed Endangered	Not Listed	USFWS

There are no NYNHP significant natural communities within the vicinity of the Study Area. There are no USFWS critical habitats within the Study Area.

The 84-acre Study Area was reviewed by LaBella during the site visit to determine the potential presence of suitable habitat for listed species within the vicinity the Study Area. Descriptions of each of the species flagged for the Study Area are provided below, along with information gathered from USFWS, NYSDEC, and NYNHP and the results of the on-site survey.

4.1 Monarch butterfly – *Danaus plexippus*

The monarch butterfly is a large, easily recognizable butterfly with orange and black wings that is well known for its transcontinental migrations each year. This butterfly is found throughout New York in the summer months, and prefers weedy areas along roadsides, pastures, and fields where milkweed (*Asclepias spp.*) is found. Female monarch butterflies lay eggs on milkweed, their obligate host plant species, in the spring and monarch caterpillars feed on the milkweed plant. Habitat loss and fragmentation has occurred throughout the range of the monarch butterfly, and populations have declined significantly over the past 20 years (USFWS, 2024A).

After extensive review by USFWS, it was determined in December 2020 that listing the monarch butterfly under the Endangered Species Act is warranted but precluded at this time due to higher priority listing actions. Therefore, the monarch butterfly is currently unlisted federally, and is considered a candidate species for future listing. USFWS will review the status of monarch butterfly each year. Since the monarch butterfly is an unlisted candidate species and is not currently listed, there are generally no USFWS Section 7 requirements (USFWS, 2024A). Similarly, the monarch

butterfly is not a State-listed species in New York. If listing status for this species changes following this report, coordination with the appropriate regulatory agencies will be warranted.

4.2 Bog turtle – *Glyptemys muhlenbergii*

Bog turtles are one of the smallest turtles in North America (USFWS, 2001). Bog turtles are usually found in association with fens, which are wetlands dominated by herbaceous vegetation that receive calcareous groundwater discharge through seepage and small streams (rivulets) (NYNHP, 2024A). These wetlands typically contain deep muck soils needed for predator escape, aestivation during hot weather and winter hibernation. Equally important is the presence of elevated hummocks of sphagnum moss or emergent vegetation, such as tussock sedge (*Carex stricta*), for thermoregulation, egg laying and incubation in the spring (USFWS, 2020). Other habitats where bog turtles are found include wet meadows, cow pastures, shrub swamps, and forested wetlands with emergent wetland openings. As with fens, these wetlands usually have small rivulets fed by groundwater, deep muck soils and emergent vegetation with exposure to the sun.

The key components of bog turtle habitat are suitable hydrology, soils and vegetation. Suitable hydrology typically includes spring-fed seeps with shallow surface water or saturated soils that are present year-round; however, wetlands may be interspersed with dry and wet pockets. Shallow rivulets that are less than 4 inches deep are also often present. Suitable soils typically are identified as soft, mucky soils that can be probed to 3 to 5 inches or deeper. In New York State, other soil types that may be suitable are Wayland silt loam, Sun silt loam, Palms muck, Catden (Carlisle) muck, Canandaigua silt loam, and Alden silt loams. Suitable vegetation includes areas with a dominant vegetation of low grasses and sedges (in emergent wetland areas), and often have a scrub-shrub wetland component.

The bog turtle is currently listed as endangered in New York and threatened throughout its range by the USFWS. Extant populations in New York State occur principally in Dutchess, Columbia, Putnam, Ulster, and Orange Counties. A field wetland delineation and a bog turtle habitat assessment were completed within the Study Area. LaBella reviewed each of the delineated wetlands onsite to determine if suitable bog turtle habitat conditions were present. The assessment of potential bog turtle habitat on the site was based on specific physical and biological characteristics outlined by USFWS survey protocols (USFWS, 2020).

4.3 Northern long-eared bat – *Myotis septentrionalis*

The northern long-eared bat (NLEB) was relatively common in New York prior to the wide-spread fungal infection known as “white-nose syndrome” (WNS) (NYNHP, 2024B). NLEB was listed as endangered by both USFWS and NYSDEC in March 2023.

NLEB overwinters in hibernacula which includes caves and abandoned mines. After emerging from hibernation in the spring, NLEB will typically migrate about 40 to 50 miles to summer roost sites. Suitable summer roosting habitat typically consists of trees (dead, dying, or alive) with loose or peeling bark. Trees such as shagbark hickory (*Carya ovata*), black cherry (*Prunus serotina*), black locust (*Robinia pseudoacacia*) often have loose exfoliating bark, though many other tree species can be considered suitable roosting habitat. NLEB could also potentially use cracks or crevices in trees and have also been known to occasionally use tree cavities. In general, suitable roost trees are over 3

inches in diameter at breast height (DBH) and include snags (dead trees/tree sections) and trees with exfoliating bark.

WNS is the predominant threat to NLEB. Other threats to NLEB include winter habitat loss and disturbance to winter habitat, the loss of summer habitat which may result in longer flights between suitable roosting and foraging habitat and the fragmentation of maternity colonies, and direct impacts to bats while bats are active on the landscape or roosting in trees. To avoid potential direct impacts to roosting NLEB, tree removal is generally recommended by USFWS to occur between November 1 and March 31 of any given year, though other restrictions may apply due to overall acreage or tree removal or if known roost trees or hibernacula are in the vicinity of a proposed project. Interim guidance for USFWS NLEB is effective until the summer of 2024.

NYSDEC concurs with USFWS that NLEB population decline is not the result of habitat loss, and apart from Suffolk County, trees are not currently a limiting resource for NLEB in New York. However, this bat species utilizes all types of forests for foraging and other life behaviors and when forests are converted to another use, such areas no longer provide benefits to NLEB. In areas deemed as occupied habitat by NYSDEC, additional protections for such occupied habitat are required which usually entails various restrictions on tree cutting to avoid a take of NLEB. Interim guidance from NYSDEC is effective until April 1, 2024.

This site is within the range of the NLEB according to USFWS, and there are known nearby occurrence records based on NYNHP correspondence. With respect to potential summer NLEB occurrences or known maternity roost trees, a maternity colony has been documented by NYNHP within 1.5 miles of the project site. Individual animals may travel 1.5 miles from documented locations. The closest known hibernacula for the NLEB is in the Town of Putnam Valley in Putnam County, about 10 miles southeast from the Study Area. The main impact of concern on the Project site is the cutting or removal of potential roost trees (NYNHP, 2023).

LaBella assessed the area of disturbance for potential summer roosting habitat for the NLEB, which entailed documenting the presence of suitable roost trees over 3 inches DBH, such as snags (dead trees/tree sections) and trees with exfoliating bark or bark with deep crevices or cracks. The entire site is mixed deciduous forest with several trees larger than 3 inches DBH containing suitable roosting habitat. The tree species present include those with exfoliating bark or bark with deep cracks or crevices, such as shagbark hickory, black locust, black cherry (*Prunus serotina*), and white oak (*Quercus alba*). There are also multiple trails and streams that may serve as flight corridors as well as open ponds and wetlands that can provide areas for foraging. The site plans are still in development and limits on tree clearing have not yet been defined. Once site plans are received and tree clearing limits defined, additional coordination with NYSDEC and USFWS will be warranted.

4.4 Indiana Bat – *Myotis sodalis*

The Indiana bat hibernates during the winter in suitable hibernacula such as caves and abandoned mines. Only 17 extant hibernacula are documented in New York State according to the NYNHP (NYNHP, 2024C). Like the NLEB and other cave-dwelling bats, the Indiana bat is also subject to WNS, and populations within New York continue to decline. Additional threats to this species include loss of summer roosting habitat, environmental toxins, and hibernacula disturbance. Critical habitat was

designated for the Indiana bat in 1976; however, no designated critical habitat occurs in New York State (USFWS, 2024B).

This species generally hibernates from October through mid-April in New York. After emerging from hibernation in the spring, both males and females migrate to traditional summer roost sites, typically within 40 miles of the hibernacula. Males generally choose separate roost areas from the females and are known to migrate somewhat further than females. Indiana bats utilize habitats similar to NLEB for summertime maternal roosts (as described above); however, the Indiana bat could also potentially use cracks or crevices in trees and have also been known to occasionally use tree cavities. Larger trees have been shown to be preferred over smaller trees for roosting, however Indiana bats have been observed roosting in trees that are as small as 2.5 inches DBH. Generally, Indiana bats will roost in trees that are greater than or equal to 9 inches DBH that receive a good amount of solar exposure.

The Indiana bat is listed by both USFWS and NYSDEC as an endangered species. The USFWS Draft Recovery Plan (2007) for Indiana bats prioritizes the protection of hibernacula for recovery of the species (USFWS, 2007). NYSDEC concurs, indicating that management efforts are concentrated on protecting the hibernacula. This site is within the range of the Indiana bat (USFWS, 2024B). The closest known hibernacula for Indiana bat is in the Town of Putnam Valley in Putnam County, about 10 miles southeast from the Study Area. With respect to potential summer Indiana bat occurrences or known maternity roost trees, a maternity colony has been documented within 1.5 miles of the Project site. Individual animals may travel 2.5 miles from documented locations. The main impact of concern is the cutting or removal of potential roost trees within the Study Area (NYNHP, 2023). As noted above, once site plans are received and the limits of tree clearing are confirmed, tree removal limitations and restrictions will need to be coordinated with both USFWS and NYSDEC.

4.5 Tri-colored bat – *Perimyotis subflavus*

The tri-colored bat is found along the east coast from Georgia north to Nova Scotia (NYNHP, 2024D). While it is likely that tri-colored bats were never very common in New York, it is noted that populations have declined significantly after the introduction of WNS. This bat utilizes open woodlands and riparian forests, and hibernates it caves and mines during the winter months (USFWS, 2024C). In general, tri-colored bats roost in open woods near water. Some studies have shown that the bats tend to select roosts away from roads in forests that have a high level of habitat heterogeneity or in areas along riparian buffers (NYNHP, 2024D).

The tri-colored bat is proposed to be listed by USFWS as endangered and is unlisted by the state. Guidance on this proposed species is not yet available by USFWS, though proposed tree clearing, and time of tree removal activities will likely be of concern to the regulatory agency.

5.0 RESULTS

USFWS flagged the Study Area for being within the range of both the Indiana bat and NLEB, and NYSDEC/NYNHP have documented summer roosting occurrence records within proximity to the Study Area. Most of the forested area in the Study Area contains trees larger than 3 inches DBH and include several species with exfoliating bark or trees with deep cracks or crevices. Bats could potentially utilize the stream and trail openings in the forests as flight corridors and the open ponds and wetlands for foraging in the spring, summer, and fall months. Winter tree clearing, when bats are off the landscape

and hibernating, would be required (between November 1 and March 31). The acreage of tree clearing will need to be determined and consultation with USFWS and NYSDEC will be needed once the site plans for the proposed Project are completed. Due to the nearby occurrence records of known maternity roost trees, additional assessments may be requested by both USFWS and NYSDEC. USFWS has not yet issued guidance for the tri-colored bat.

In addition, USFWS flagged the Study Area for being in the range of bog turtle. NYSDEC and NYNHP did not flag any known records of bog turtle onsite. No portion of the Study Area was found to contain potentially suitable habitat regarding bog turtles, which is discussed in detail in a separate Phase I Bog Turtle Habitat Report.

Finally, the monarch butterfly is an unlisted candidate species and is not currently listed, and there are generally no USFWS Section 7 requirements for coordination at this time. If listing status for this species changes following this report, coordination with the appropriate regulatory agencies will be warranted.

6.0 SIGNATURE OF ECOLOGICAL PROFESSIONALS

We appreciate the opportunity to serve your professional environmental needs. If you have any questions, please do not hesitate to contact Meredith Ellis at 518-791-1106.

Report Prepared By:

Meredith Ellis, PWS, CE
Permitting & Compliance Manager

Report Prepared By:

Cindy Von Haugg, AWB
Environmental Scientist

7.0 REFERENCES

NYNHP. 2023. Project Screening. Available at: https://legacy.nynhp.org/project-screening. Accessed March, 2024.

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USFWS. 2024B. Environmental Conservation Online System for Indiana Bat. Available from: https://ecos.fws.gov/ecp/species/5949. Accessed March, 2024.

USFWS. 2024C. Tri-Colored Bat. Available from: https://ecos.fws.gov/ecp/species/10515. Accessed March, 2024.

APPENDIX A

Figures

Creator: MF Reviewer: LD

Path: \\cashlab\P\GLOBAL\Projects\Carson Power LLC\2232856 - North Chelsea Solar A\06_Drawings\Environmental\Wetland Delineation\Figure 1 - USGS Site Location.mxd

LaBella
Powered by partnership.

Carson Power, LLC

Habitat Report

North Chelsea Solar
30 Duck Pond Road
Wappingers Falls, New York

N

0 1,000 2,000 Feet

1 inch = 2,000 feet

Legend

Study Area

Sources:
1. Study Area: Created by LaBella using information provided by the client.
2. Basemap: ESRI USA Topomap (Updated: 2020) in reference to USGS Topographic Wappingers Falls Quadrangle (1981).

USGS Site Location

FIGURE 1

LaBella Project No: 2232856
Date: March 2024

Path: \\cash.lab\P\GLOBAL\Projects\Carson Power LLC\2232856 - North Chelsea Solar A\11_Reports\Habitat Assessment Report\APPENDIX A - FIGURES\Figure 2 - Aerial Imagery Site Location.mxd

Creator: SC Reviewer: LD

LaBella
Powered by partnership.

Carson Power, LLC

Habitat Report

30 Duck Pond Road
Wappingers Falls, NY

N

0 175 350 Feet

1 inch = 350 feet

Legend

Study Area

Sources:
1. Study Area: Created by LaBella using information provided by the client.
2. Basemap: NYS OrthoImagery 2021.

Aerial Imagery Site Location

FIGURE 2

LaBella Project No: 2232856
Date: March 2024

APPENDIX B

Photo Log

Habitat Assessment Photos – North Chelsea Solar

30 Duck Pond Road, Town of Wappinger, New York – March 2024

View of Wetland 1.

View of Wetland 1.

View of Wetland 1.

View of Wetland 1 ditch.

Habitat Assessment Photos – North Chelsea Solar

30 Duck Pond Road, Town of Wappinger, New York – March 2024

View of Wetland 1 in right-of-way.

NW view of the right-of-way.

View of Wetland 2.

View of Wetland 3.

Habitat Assessment Photos – North Chelsea Solar

30 Duck Pond Road, Town of Wappinger, New York – March 2024

View of Wetland 3.

View of Wetland 4.

View of Wetland 5.

View of Wetland 5.

Habitat Assessment Photos – North Chelsea Solar

30 Duck Pond Road, Town of Wappinger, New York – March 2024

View of Wetland 5.

View of Wetland 6.

View of Wetland 7.

View of Wetland 8.

View of Stream 1.

View of Stream 2.

View of Stream 4.

View of Stream 5.

Habitat Assessment Photos – North Chelsea Solar

30 Duck Pond Road, Town of Wappinger, New York – March 2024

View of Stream 6.

View of upland forest.

View of potential roost tree within upland area.

View SW of access road.

APPENDIX C

Agency Resources

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: 03/28/2024 16:10:49 UTC
Project Code: 2024-0069598
Project Name: North Chelsea Solar A

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".

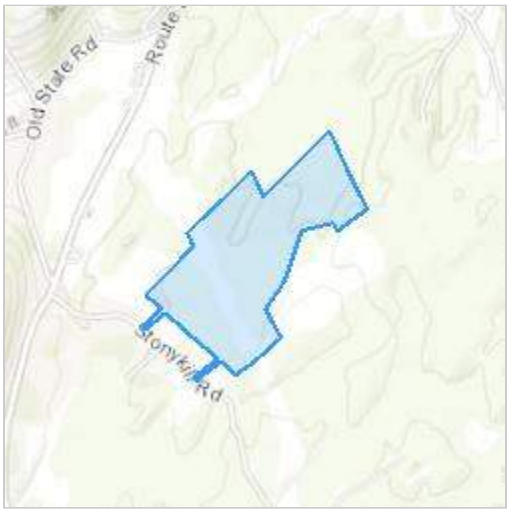
This species list is provided by:

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

PROJECT SUMMARY

Project Code: 2024-0069598
Project Name: North Chelsea Solar A
Project Type: Power Gen - Solar
Project Description: habitat survey for the North Chelsea Solar project.
Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@41.5603154,-73.93293062301507,14z



Counties: Dutchess County, New York

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], 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 *Myotis sodalis* 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 *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat *Perimyotis subflavus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

REPTILES

NAME	STATUS
Bog Turtle *Glyptemys muhlenbergii* Population: Wherever found, except GA, NC, SC, TN, VA No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6962	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* 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: Cindy Von Haugg
Address: 4 British American Blvd
City: Latham
State: NY
Zip: 12110
Email cvonhaugg@labellapc.com
Phone: 2039808458

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

May 10, 2023

Kayleigh Furth
Carson Power LLC
222 Broadway, 27th Floor
New York City, NY 10038

Re: North Chelsea Solar A
County: Dutchess Town/City: Wappinger

Dear Kayleigh Furth:

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 in the vicinity of the project site.

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 Region 3 Office, Division of Environmental Permits, at dep.r3@dec.ny.gov.

Sincerely,

Heidi Krahling
Environmental Review Specialist
New York Natural Heritage Program

The following state-listed animals have been documented in the vicinity of the project site.

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed.

For more information, including any permit considerations for the project, please contact the NYSDEC Region 3 Office, Division of Environmental Permits, at dep.r3@dec.ny.gov, (845) 256-3054.

The following species has been documented within 1.5 miles of the project site. Individual animals may travel 1.5 miles from documented locations. The main impact of concern is the cutting or removal of potential roost trees.

COMMON NAME	*SCIENTIFIC NAME*	*NY STATE LISTING*	*FEDERAL LISTING*	
Mammals				
Northern Long-eared Bat *Maternity colony*	*Myotis septentrionalis*	Endangered	Endangered	17745

The following species has been documented within 1.5 miles of the project site. Individual animals may travel 2.5 miles from documented locations. The main impact of concern is the cutting or removal of potential roost trees.

COMMON NAME	*SCIENTIFIC NAME*	*NY STATE LISTING*	*FEDERAL LISTING*	
Mammals				
Indiana Bat *Maternity colony*	*Myotis sodalis*	Endangered	Endangered	11287

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, and from NYSDEC at www.dec.ny.gov/animals/7494.html.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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03/05/2024

The attached report from the Environmental Resource Mapper includes information from the New York Natural Heritage Program database with respect to the location indicated on the map below. This letter, together with the attached report from the Environmental Resource Mapper, is equivalent to, and carries the same validity, as a letter from the New York Natural Heritage Program, including for projects where a Natural Heritage letter is required.

If your location of interest does not fall within an area covered by the Rare Plants and Rare Animals layer or in the Significant Natural Communities layer, then New York Natural Heritage has no records to report in the vicinity of your project site. Submitting a project screening request to NY Natural Heritage is not necessary.

If the attached report lists that your location of interest is in the vicinity of state-listed animals, including state-listed bats, please consult the **EAF Mapper** to obtain a list of the species involved. (You do not have to be filling out an Environmental Assessment Form in order to use the EAF Mapper). Then consult the appropriate **NYSDEC Regional Office** for information on any project requirements or permit conditions.

If the attached report lists unlisted animals, rare plants, or significant natural communities, and if you would like more information on these, please submit a project screening request to **New York Natural Heritage**. For more information, please see the DEC webpage **Request Natural Heritage Information for Project Screening**.

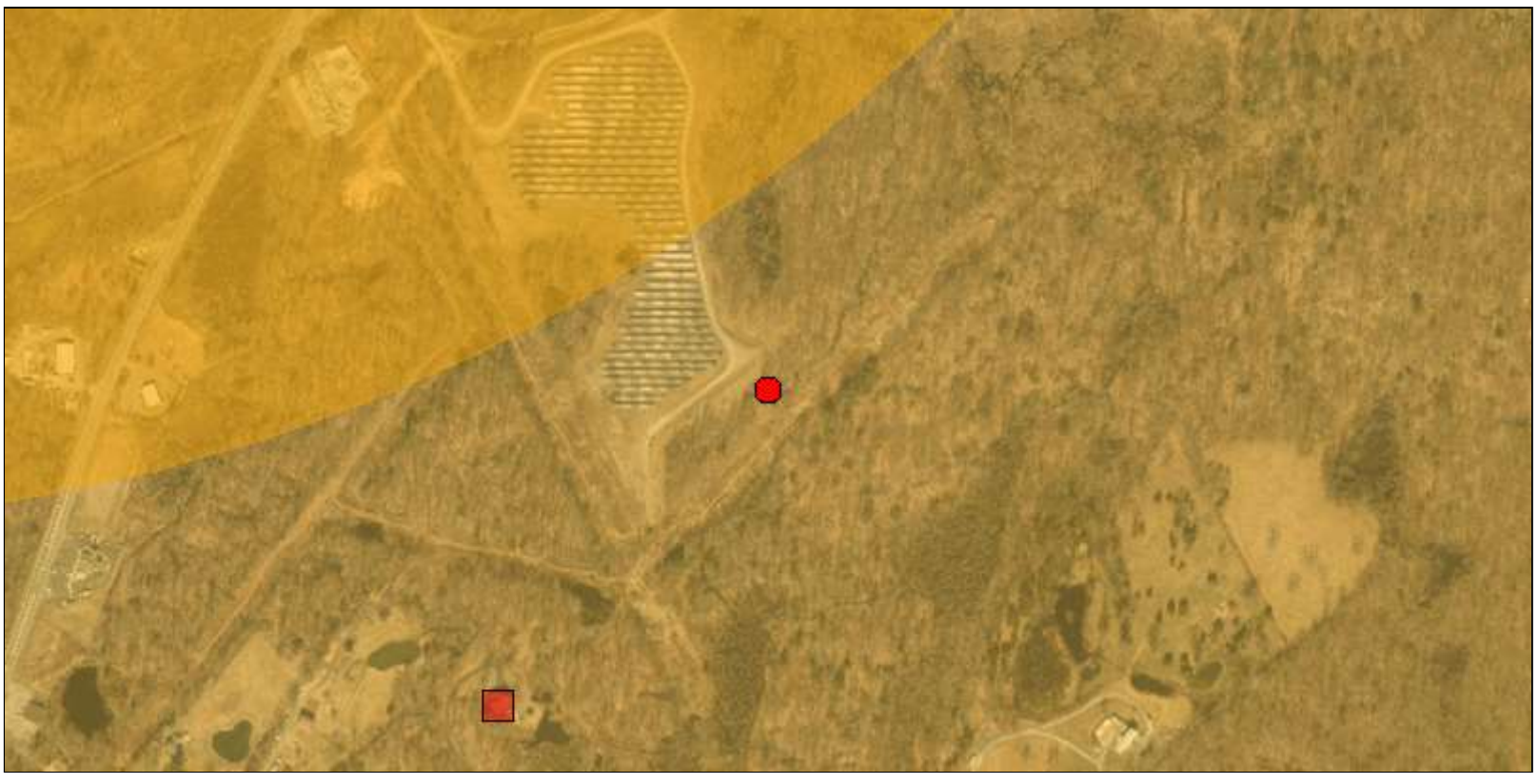
The absence of data does not necessarily mean that rare or state-listed species, significant natural communities, or other significant habitats do not exist on or adjacent to the proposed site. Rather, NYNHP files currently do not contain information that indicates their presence. For most sites, comprehensive field surveys have not been conducted. NYNHP 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 from a proposed project.

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 NYNHP database.

New York Natural Heritage Program

https://www.nynhp.org/.

Environmental Resource Mapper



The coordinates of the point you clicked on are:

UTM 18	**Easting:**	588977.3450270243	**Northing:**	4601677.970330314
Longitude/Latitude	**Longitude:**	-73.93292118883532	**Latitude:**	41.56183547698453

The approximate address of the point you clicked on is:
Town of Wappinger, New York

County: Dutchess
Town: Wappinger
USGS Quad: WAPPINGERS FALLS

Rare Plants and Rare Animals

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

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.

Print Preview

NYSDEC ERM Map

March 15, 2024

1:18,056

0 0.15 0.3 0.6 mi

0 0.28 0.55 1.1 km

New York State, Maxar, Esri, HERE, Garmin, iPC

NYS Department of Environmental Conservation
Not a legal document

EAF Mapper Summary Report

Friday, March 15, 2024 9:34 AM

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	857-9
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):146.2
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	WF-14
E.2.h.v [Impaired Water Bodies]	No

E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Northern Long-eared Bat, Indiana Bat
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	DUTC022
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

APPENDIX D

Plant Species List

Table 1. Species observed within the Study Area	
Scientific Name	Common Name
Acer rubrum	red maple
Acer saccharum	sugar maple
Alisma plantago-aquatica	European water-plantain
Alnus spp.	alder spp.
Amphicarpaea bracteata	american hog-peanut
Apocynum cannabinum	Indian-hemp
Berberis thunbergii	Japanese barberry
Betula lenta	sweet birch
Carex bromoides	brome-like sedge
Carex lasiocarpa	woolly-fruit sedge
Carex plantaginea	broad-leafed sedge
Carex scoparia	pointed broom sedge
Carex stricta	tussock sedge
Carpinus caroliniana	American hornbeam
Carya glabra	pignut hickory
Carya ovata	shag-bark hickory
Chimaphila maculata	spotted wintergreen
Cicuta maculata	spotted water-hemlock
Dichanthelium clandestinum	deer-tongue rosette grass
Dioscorea villosa	wild yam
Euonymus alatus	burning bush
Eurybia divaricata	white wood aster
Fagus grandifolia	American beech
Fraxinus pennsylvanica	green ash
Hamamelis virginiana	American witch-hazel
Juncus effusus	soft rush
Juniperus virginiana	eastern red-cedar
Lemna minor	common duckweed
Lindera benzoin	northern spicebush
Liriodendron tulipifera	tuliptree
Lobelia cardinalis	cardinal-flower
Lonicera japonica	Japanese honeysuckle
Lonicera morrowii	morrow's honeysuckle
Ludwigia palustris	marsh primrose-willow
Lythrum salicaria	purple loosestrife
Mentha spp.	mint spp.
Mitchella repens	partridge-berry
Onoclea sensibilis	sensitive fern
Ostrya virginiana	eastern hop-hornbeam
Parthenocissus quinquefolia	Virginia-creeper
Persicaria arifolia	halberd-leaf tearthumb
Persicaria virginiana	jumpseed
Phragmites australis	common reed
Platanus occidentalis	American sycamore
Polystichum acrostichoides	christmas fern

Prunus serotina	black cherry
Quercus alba	northern white oak
Quercus bicolor	swamp white oak
Quercus rubra	northern red oak
Quercus velutina	black oak
Rhododendron viscosum	clammy azalea
Robinia pseudoacacia	black locust
Rosa multiflora	rambler rose
Rubus idaeus	common red raspberry
Salix nigra	black willow
Smilax rotundifolia	horsebrier
Spiraea spp.	meadowsweet spp.
Symplocarpus foetidus	skunk-cabbage
Thelypteris palustris	eastern marsh fern
Tsuga canadensis	eastern hemlock
Typha spp.	cattail spp.
Ulmus americana	American elm
Vaccinium corymbosum	highbush blueberry
Viburnum dentatum	southern arrow-wood