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May 8, 2018

U.S. Fish and Wildlife Service  
New York Field Office  
3817 Luker Road  
Cortland, NY 13045

**Re: Online Project Review Request, East Point Energy Center, LLC, East Point Energy Center Project,  
Town of Sharon, Schoharie County, New York. Consultation Code: 05E1NY00-2018-SLI-1813**

We have reviewed the above referenced project using the New York Field Office's online project review process and have followed all guidance and instructions in completing the review. We completed our review on April 18, 2018 and are submitting our project review package in accordance with the instructions for further review.

East Point Energy Center, LLC, proposes to construct a solar energy center in the Town of Sharon, Schoharie County, New York (See Figure 1). East Point Energy Center, LLC plans to submit an application to the NYS Board on Electric Generation Siting and the Environment in pursuit of a Certificate of Environmental Compatibility and Public Need to construct the East Point Energy Center (the Project) under Article 10 of the Public Service Law (PSL). This request is being made in order to help prepare the Article 10 Application.

The proposed Project will consist of a 50 MW solar energy center located on land leased or purchased from owners of private property. Proposed components include commercial-scale solar arrays, access roads, buried (and possibly overhead) electric collection lines, and electrical interconnection facilities. The final solar array specification, as well as locations of arrays, will be finalized as part of micro-siting efforts.

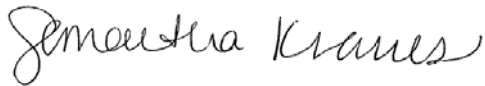
Land cover in the Project Area consists primarily of agricultural land, with portions of forestland, successional old-field, aquatic habitat, and rural residential properties. Wetland and stream delineations were performed during the summer of 2017 on a majority of the parcels included in the Project Area. Additional delineations will occur during the 2018 growing season.

The location of the Project Area is identified on the enclosed map, Figure 1. The Project is scheduled for construction in 2020.

The enclosed project review package provides the information about the species, critical habitat, and bald eagles considered in our review, and the species conclusions table included in the package identifies our determinations for the resources that may be affected by the Project.

For additional information, please contact me at (315) 362-2415 or via email at [skranes@trcsolutions.com](mailto:skranes@trcsolutions.com).

Sincerely,



Samantha Kranes  
Project Manager

cc: Kris Scornavacca, East Point Energy Center, LLC  
Coke Coakley, East Point Energy Center, LLC  
Brian Schwabenbauer, TRC

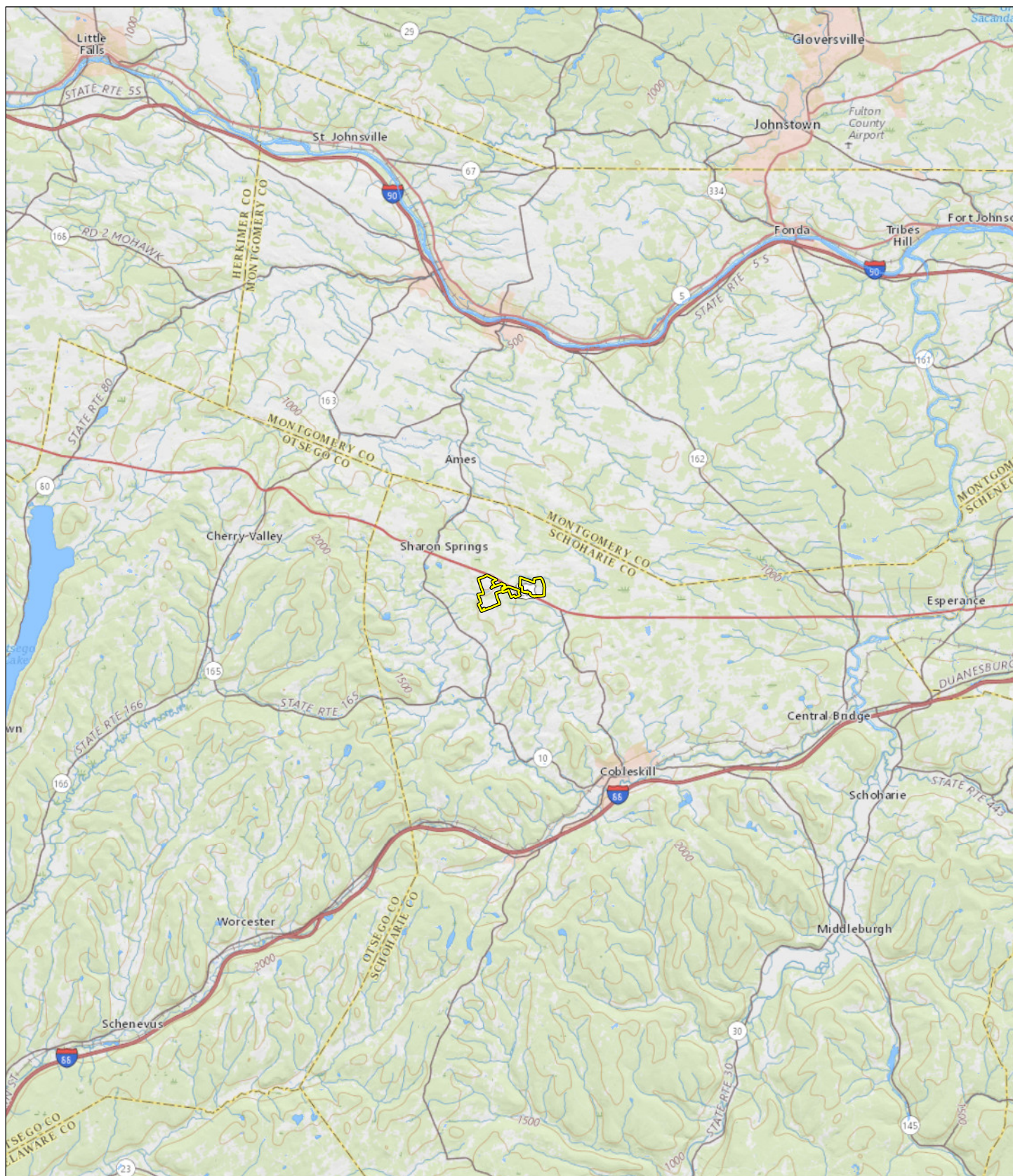
Attachments:


- 1) Figure 1. Regional Location Map
- 2) Figure 2. Cover Types in the Project Area
- 3) Photograph Log
- 4) IPaC Official Species List
- 5) Species Conclusion Table
- 6) NYSDEC Environmental Resource Mapper Results



## **Attachment 1. Regional Location Map**



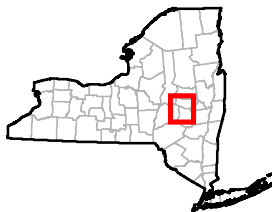


 Project Area



0 1 2 3 4 5  
Miles

#### MAP LOCATION




**East Point Energy Center, LLC**

**REGIONAL PROJECT LOCATION**  
**EAST POINT**  
**ENERGY CENTER**  
**TOWN OF SHARON, NY**

FIGURE 1

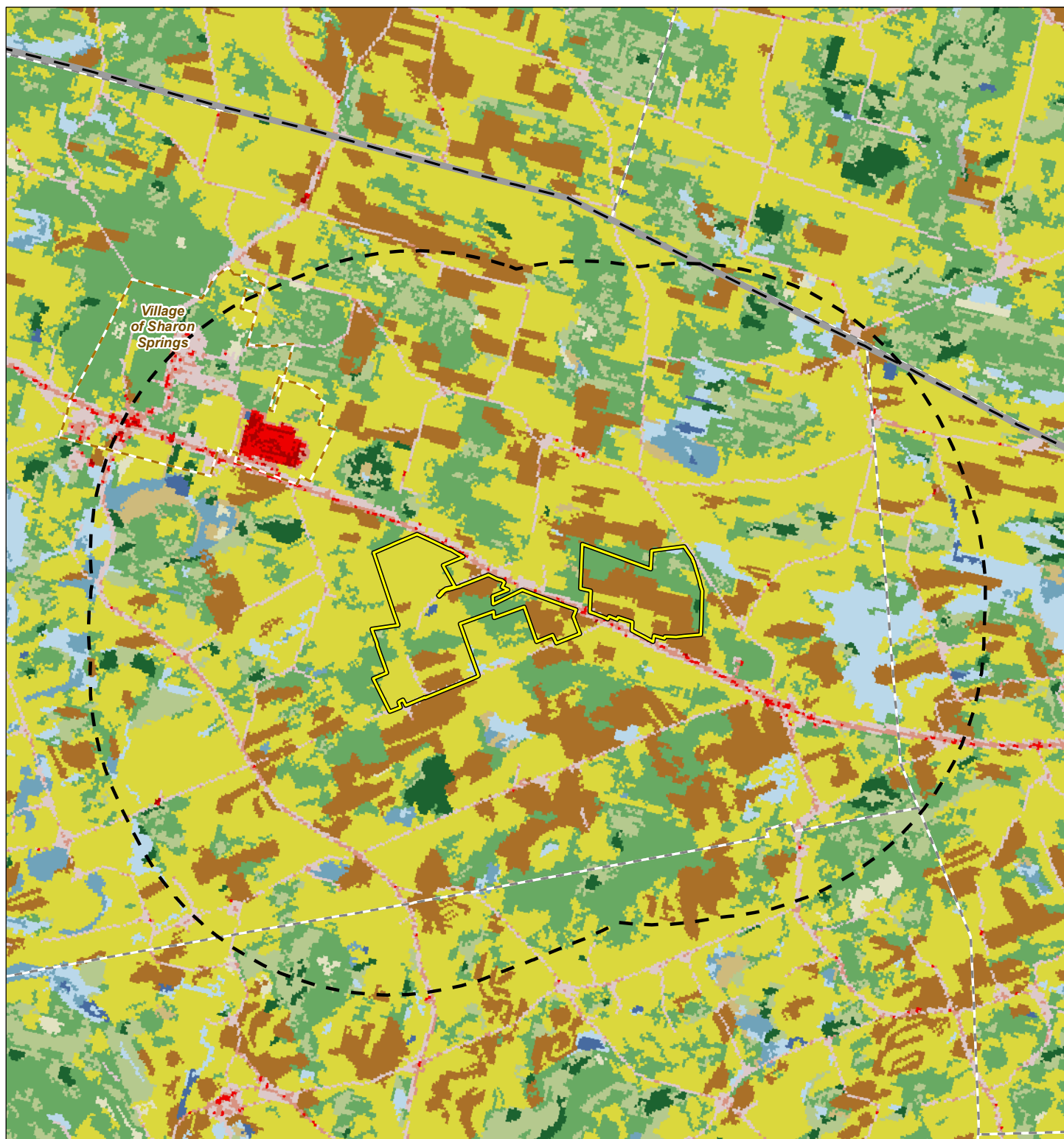
APRIL 2018

Map Produced by 

Base Map: USGS National Map, 2018



## **Attachment 2. Land Cover in the Project Area**



| Land Cover               |                              |                      |                              |
|--------------------------|------------------------------|----------------------|------------------------------|
| Open Water               | Developed, Medium Intensity  | Evergreen Forest     | Pasture/Hay                  |
| Developed, Open Space    | Developed High Intensity     | Mixed Forest         | Cultivated Crops             |
| Developed, Low Intensity | Barren Land (Rock/Sand/Clay) | Shrub/Scrub          | Woody Wetlands               |
|                          | Deciduous Forest             | Grassland/Herbaceous | Emergent Herbaceous Wetlands |

- Project Area
- 2-Mile Study Area
- Village Boundary
- Town Boundary
- County Boundary



0 1  
Mile

**East Point Energy Center, LLC**

**COVER TYPES IN THE  
PROJECT AREA  
EAST POINT  
ENERGY CENTER  
TOWN OF SHARON, NY**

FIGURE 2

APRIL 2018

Map Produced by CTRC

Data: National Land Cover Dataset, 2011  
Base Map: NYS GIS Program Office, 2017

### **Attachment 3. Photograph Log**



**East Point Energy Center, LLC**  
**East Point Energy Center Project**



Photograph 1: Wetland in Project Area adjacent to Beech Road looking north.



Photograph 2: Alfalfa field in northeastern portion of Project Area looking south.





Photograph 3. Typical upland forested portion of the Project Area.



Photograph 4. Forested wetland within the Project Area.





Photograph 5. Class C intermittent stream bed on the Project Area.



Photograph 6. View west at upland habitat in southeast part of Project Area.



#### **Attachment 4. IPaC Official Species List**



## 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:

April 18, 2018

Consultation Code: 05E1NY00-2018-SLI-1813

Event Code: 05E1NY00-2018-E-05498

Project Name: East Point Energy Center

Subject: List of threatened and endangered species that may occur in your proposed project location, and/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](#)). 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

Consultation Code: 05E1NY00-2018-SLI-1813

Event Code: 05E1NY00-2018-E-05498

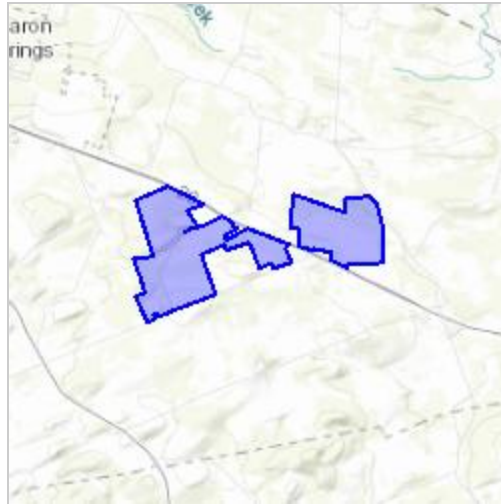
Project Name: East Point Energy Center

Project Type: POWER GENERATION

Project Description: East Point Energy Center, LLC is proposing to build and operate the East Point Energy Center Project in the Town of Sharon, Schoharie County, New York. The facility will consist of a 50 Megawatt (MW) solar power facility. The solar power facility will be located on approximately 783 acres of land.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.77235017569535N74.5510390703748W>



Counties: Schoharie, NY

---

## Endangered Species Act Species

There is a total of 1 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     |
|--|------------|
| Northern Long-eared Bat <i>Myotis septentrionalis</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a> | Threatened |

## Critical habitats

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

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## Attachment 5. Species Conclusions Table

## Species Conclusions Table

Project Name: East Point Energy Center, LLC

Date: May 8, 2018

| Species Name   | Potential Habitat Present? | Species Present? | Piping Plover Critical Habitat Present? | ESA / Eagle Act Determination (REQUIRED)<br>(e.g. no effect, may affect but not likely to adversely affect, likely to adversely affect, no take, may affect but 4(d) rule). | Notes / Documentation Summary (include full rationale in your report)  |
|--|----------------------------|------------------|---|---|--|
| Northern long-eared bat<br>( <i>Myotis septentrionalis</i> ) | Yes                        | Potentially      | No                                      | <i>Not likely to adversely affect</i>   | <p>The northern long-eared bat is federally-listed threatened species. The northern long-eared bat winters in hibernacula with high humidity and constant temperatures. In their summer range, the bats are opportunistic in selecting roosts, and often roost underneath bark, in cavities, or in crevices of both live and dead trees, and, rarely, in structures like barns and sheds (USFWS, 2013).</p> <p>Based upon an initial review, the Project is not located within 0.25 miles of a known occupied hibernacula or within 150 feet of a known, occupied maternity roost tree (see NYSDEC ERM Results). East Point Energy Center will continue coordination with the NYNHP throughout the planning and permitting phases of the Project.</p> <p>The Project Area consists primarily of agricultural land, with portions of forestland, and successional old-field. There is potential roosting habitat found in the vicinity of the Project Area. Tree species observed included sugar maple (<i>Acer saccharum</i>), red maple (<i>Acer rubrum</i>), American beech (<i>Fagus grandifolia</i>), white ash (<i>Fraxinus americana</i>), American basswood (<i>Tilia americana</i>), and eastern hemlock (<i>Tsuga canadensis</i>). The average diameter at breast height (DBH) of the trees was 8 to 24 inches.</p> |

| Species Name                                      | Potential Habitat Present? | Species Present? | Piping Plover Critical Habitat Present? | ESA / Eagle Act Determination (REQUIRED)<br>(e.g. no effect, may affect but not likely to adversely affect, likely to adversely affect, no take, may affect but 4(d) rule). | Notes / Documentation Summary (include full rationale in your report)   |
|---|----------------------------|------------------|---|---|---|
|   |                            |                  |   |   | Preliminary design indicates some tree clearing will be required as part of the Project. East Point Energy Center is working to minimize tree clearing to the maximum extent practicable. According to Section 4(d) of the Endangered Species Act final ruling for the northern long-eared bat, incidental take that results from permanent conversion of forested lands to other uses is allowed (USFWS, 2016). Therefore, it is not likely to adversely affect the northern long-eared bat.   |
| Bald eagle<br>( <i>Haliaeetus leucocephalus</i> ) | Yes                        | Unknown          | No                                      | <i>Unlikely to disturb</i>  | <p>The bald eagle is federally protected under the Migratory Bird Treaty Act (MBTA) and is listed as threatened in New York State. They breed throughout New York State and prefer areas with large bodies of water that support high fish populations (NYNHP, 2013). Bald eagles generally avoid areas with human activities and perch in either deciduous or coniferous trees (NYNHP, 2013). They are long-lived in the wild, often with a life span of over 30 years, and return to within 250 miles of the nesting area where they were fledged each year (NYSDEC, 2015).</p> <p>Based upon an initial review, the Project is not located within the vicinity of known occurrences of bald eagles and/or their nests. East Point Energy Center will continue coordination with the NYNHP throughout the planning and permitting phases of the Project to confirm.</p> |

**Attachment 6. NYSDEC Environmental Resource Mapper Results**

[Services](#)[News](#)[Government](#)[Local](#)[Location](#)[Translate](#)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



# 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

State Regulated Wetland Checkzone

☒ Significant Natural Communities

Natural Communities Near This Location

☒ Rare Plants or Animals

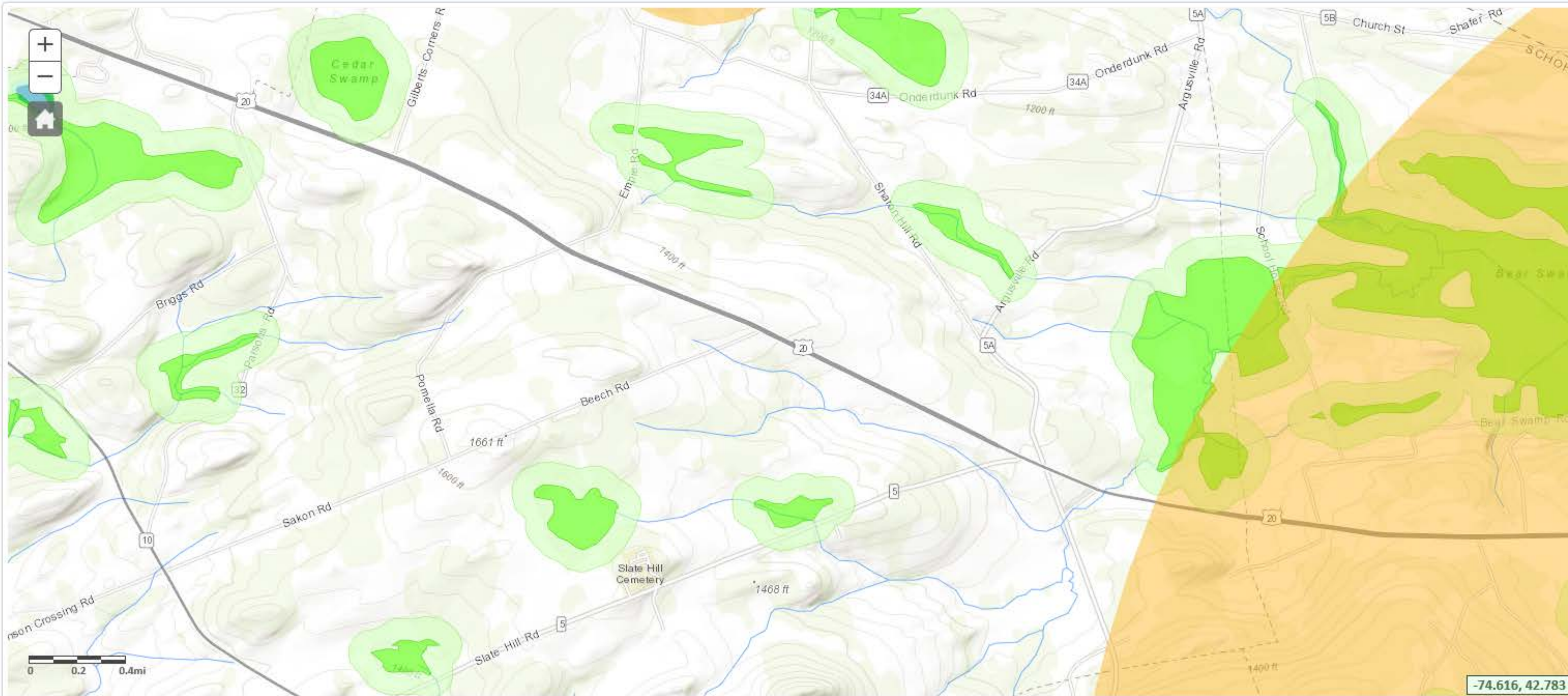
Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts







## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

New York Field Office

3817 Luker Road

Cortland, NY 13045

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

<http://www.fws.gov/northeast/nyfo>



To: Samantha Kranes

Date: May 23, 2018

USFWS File No: 18TA1813

Regarding your: Letter Fax ☒ Email

Dated: May 8, 2018

For project: East Point Energy Center Project

Located: adjacent to Beech Road

In Town/County: Town of Sharon, Schoharie County

Pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the U.S. Fish and Wildlife Service:

☐ Acknowledges receipt of your "no effect" and/or no impact determination. No further ESA coordination or consultation is required.

☒ Acknowledges receipt of your determination. Please provide a copy of your determination and supporting materials to any involved Federal agency for their final ESA determination.

*any involved?*

☐ Is taking no action pursuant to ESA or any legislation at this time, but would like to be kept informed of project developments.

As a reminder, until the proposed project is complete, we recommend that you check our website (<http://www.fws.gov/northeast/nyfo/es/section7.htm>) every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current. Should project plans change or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

USFWS Contact(s): Tim Sullivan

Supervisor: *[Signature]* Date: 5/23/18





215 Greenfield Parkway  
Suite 102  
Liverpool, NY 13088

315.671.1600 PHONE  
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[www.trcsolutions.com](http://www.trcsolutions.com)

August 24, 2018

U.S. Fish and Wildlife Service  
New York Field Office  
3817 Luker Road  
Cortland, NY 13045

**Re: Online Project Review Request, East Point Energy Center, LLC, East Point Energy Center Project, Town of Sharon, Schoharie County, New York. Consultation Code: 05E1NY00-2018-E-09400**

We have reviewed the above referenced project using the New York Field Office's online project review process and have followed all guidance and instructions in completing the review. We completed our initial review on April 18, 2018 and a second review on August 22, 2018. We are submitting our project review package in accordance with the instructions for further review. This request will replace the initial request as an additional parcel has been added to the Project. The response and IPaC Official Species List from May 2018 can be found in Attachment 7.

East Point Energy Center, LLC, proposes to construct a solar energy center in the Town of Sharon, Schoharie County, New York (See Figure 1). East Point Energy Center, LLC plans to submit an application to the NYS Board on Electric Generation Siting and the Environment in pursuit of a Certificate of Environmental Compatibility and Public Need to construct the East Point Energy Center (the Project) under Article 10 of the Public Service Law (PSL). This request is being made in order to help prepare the Article 10 Application.

The proposed Project will consist of a 50 MW solar energy center located on land leased or purchased from owners of private property. Proposed components include commercial-scale solar arrays, access roads, buried (and possibly overhead) electric collection lines, and electrical interconnection facilities. The final solar array specification, as well as locations of arrays, will be finalized as part of micro-siting efforts.

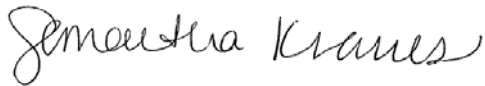
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The location of the Project Area is identified on the enclosed map, Figure 1. The Project is scheduled for construction in 2020.

The enclosed project review package provides the information about the species, critical habitat, and bald eagles considered in our review, and the species conclusions table included in the package identifies our determinations for the resources that may be affected by the Project.

For additional information, please contact me at (315) 362-2415 or via email at [skranes@trcsolutions.com](mailto:skranes@trcsolutions.com).

Sincerely,



Samantha Kranes  
Project Manager

cc: Kris Scornavacca, East Point Energy Center, LLC  
Coke Coakley, East Point Energy Center, LLC  
Brian Schwabenbauer, TRC

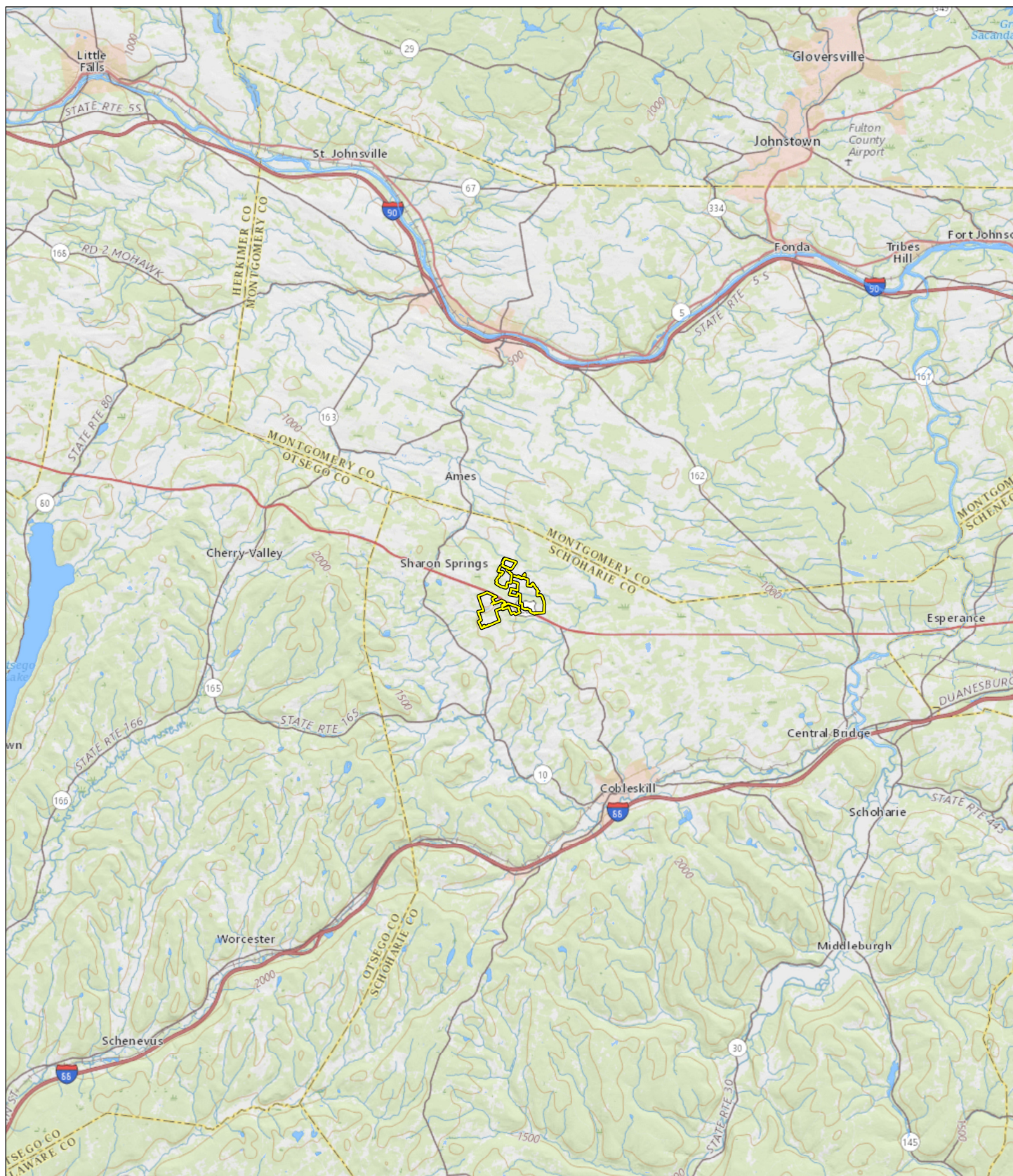
Attachments:


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- 2) Figure 2. Cover Types in the Project Area
- 3) Photograph Log
- 4) IPaC Official Species List
- 5) Species Conclusion Table
- 6) NYSDEC Environmental Resource Mapper Results
- 7) USFWS Consultation-May 2018



## **Attachment 1. Regional Location Map**



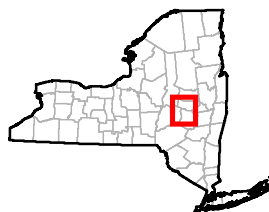


 Project Area



0 1 2 3 4 5  
Miles


#### MAP LOCATION



**REGIONAL PROJECT LOCATION**  
**EAST POINT**  
**ENERGY CENTER**  
**TOWN OF SHARON, NY**

FIGURE 1

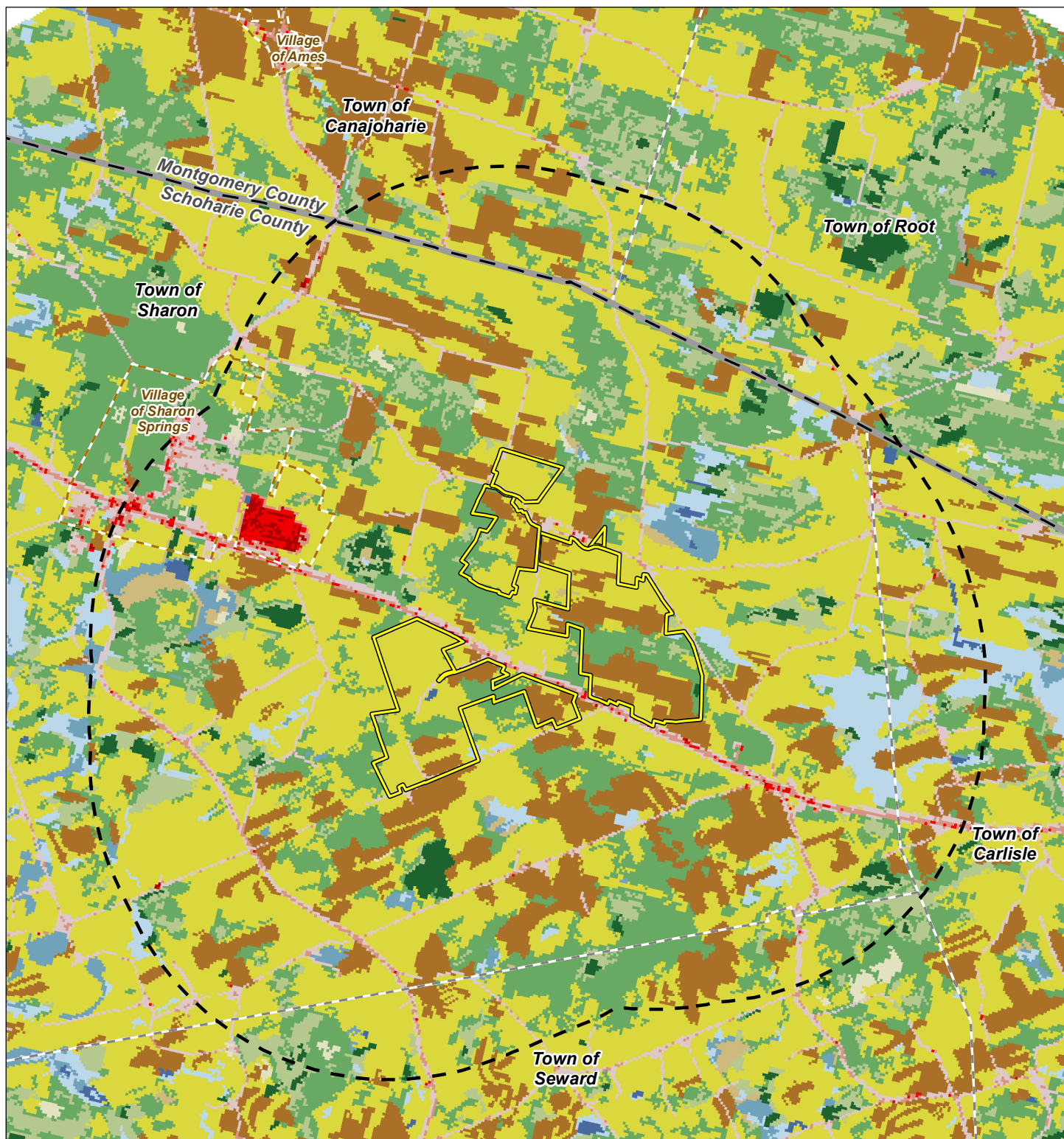
AUGUST 2018

Map Produced by 

Base Map: USGS National Map, 2018

## **Attachment 2. Land Cover in the Project Area**





| Land Cover               |                              |                              |
|--------------------------|------------------------------|------------------------------|
| Open Water               | Developed, Medium Intensity  | Evergreen Forest             |
| Developed, Open Space    | Developed High Intensity     | Mixed Forest                 |
| Developed, Low Intensity | Barren Land (Rock/Sand/Clay) | Shrub/Scrub                  |
|                          | Deciduous Forest             | Grassland/Herbaceous         |
|                          |                              | Pasture/Hay                  |
|                          |                              | Cultivated Crops             |
|                          |                              | Woody Wetlands               |
|                          |                              | Emergent Herbaceous Wetlands |

- Project Area
- 2-Mile Study Area
- Village Boundary
- Town Boundary
- County Boundary

Data: National Land Cover Dataset, 2011  
Base Map: NYS GIS Program Office, 2017



**COVER TYPES IN THE  
PROJECT AREA  
EAST POINT  
ENERGY CENTER  
TOWN OF SHARON, NY**

FIGURE 2

AUGUST 2018

Map Produced by CTRC



### **Attachment 3. Photograph Log**

**East Point Energy Center, LLC**  
**East Point Energy Center Project**



Photograph 1: Wetland in Project Area adjacent to Beech Road looking north.



Photograph 2: Alfalfa field in northeastern portion of Project Area looking south.





Photograph 3. Typical upland forested portion of the Project Area.



Photograph 4. Forested wetland within the Project Area.





Photograph 5. Class C intermittent stream bed on the Project Area.



Photograph 6. View west at upland habitat in southeast part of Project Area.

#### **Attachment 4. IPaC Official Species List**



## 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:

August 22, 2018

Consultation Code: 05E1NY00-2018-SLI-3095

Event Code: 05E1NY00-2018-E-09400

Project Name: East Point Energy Center

Subject: List of threatened and endangered species that may occur in your proposed project location, and/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>

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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

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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: 05E1NY00-2018-SLI-3095

Event Code: 05E1NY00-2018-E-09400

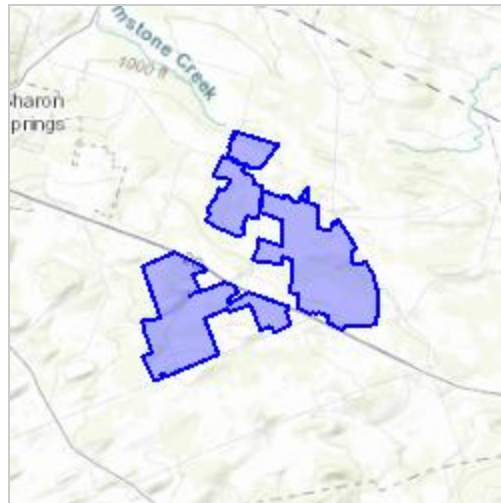
Project Name: East Point Energy Center

Project Type: POWER GENERATION

Project Description: East Point Energy Center, LLC is proposing to build and operate the East Point Energy Center Project in the Town of Sharon, Schoharie County, New York. The facility will consist of a 50 Megawatt (MW) solar power facility. The solar power facility will be located on approximately 1,314 acres of land.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.77726788668947N74.55414584316787W>



Counties: Schoharie, NY

---

## Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

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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     |
|--|------------|
| Northern Long-eared Bat <i>Myotis septentrionalis</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a> | Threatened |

## Critical habitats

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

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## Attachment 5. Species Conclusions Table



## Species Conclusions Table

Project Name: East Point Energy Center, LLC

Date: August 24, 2018

| Species Name   | Potential Habitat Present? | Species Present? | Piping Plover Critical Habitat Present? | ESA / Eagle Act Determination (REQUIRED)<br>(e.g. no effect, may affect but not likely to adversely affect, likely to adversely affect, no take, may affect but 4(d) rule). | Notes / Documentation Summary (include full rationale in your report)  |
|--|----------------------------|------------------|---|---|--|
| Northern long-eared bat<br>( <i>Myotis septentrionalis</i> ) | Yes                        | Potentially      | No                                      | <i>Not likely to adversely affect</i>   | <p>The northern long-eared bat is federally-listed threatened species. The northern long-eared bat winters in hibernacula with high humidity and constant temperatures. In their summer range, the bats are opportunistic in selecting roosts, and often roost underneath bark, in cavities, or in crevices of both live and dead trees, and, rarely, in structures like barns and sheds (USFWS, 2013).</p> <p>Based upon an initial review, the Project is located in vicinity of Rare Plants or Animals (see NYSDEC ERM Results). East Point Energy Center will continue coordination with the NYNHP throughout the planning and permitting phases of the Project.</p> <p>The Project Area consists primarily of agricultural land, with portions of forestland, successional old-field, aquatic habitat, and rural residential properties. There is potential roosting habitat found in the vicinity of the Project Area. Tree species observed included sugar maple (<i>Acer saccharum</i>), red maple (<i>Acer rubrum</i>), American beech (<i>Fagus grandifolia</i>), white ash (<i>Fraxinus americana</i>), American basswood (<i>Tilia americana</i>), and eastern hemlock (<i>Tsuga canadensis</i>). The average diameter at breast height (DBH) of the trees was 8 to 24 inches.</p> |

| Species Name                                      | Potential Habitat Present? | Species Present? | Piping Plover Critical Habitat Present? | ESA / Eagle Act Determination (REQUIRED)<br>(e.g. no effect, may affect but not likely to adversely affect, likely to adversely affect, no take, may affect but 4(d) rule). | Notes / Documentation Summary (include full rationale in your report)   |
|---|----------------------------|------------------|---|---|---|
|   |                            |                  |   |   | Preliminary design indicates some tree clearing will be required as part of the Project. East Point Energy Center is working to minimize tree clearing to the maximum extent practicable. According to Section 4(d) of the Endangered Species Act final ruling for the northern long-eared bat, incidental take that results from permanent conversion of forested lands to other uses is allowed (USFWS, 2016). Therefore, it is not likely to adversely affect the northern long-eared bat.   |
| Bald eagle<br>( <i>Haliaeetus leucocephalus</i> ) | Yes                        | Unknown          | No                                      | <i>Unlikely to disturb</i>  | <p>The bald eagle is federally protected under the Migratory Bird Treaty Act (MBTA) and is listed as threatened in New York State. They breed throughout New York State and prefer areas with large bodies of water that support high fish populations (NYNHP, 2013). Bald eagles generally avoid areas with human activities and perch in either deciduous or coniferous trees (NYNHP, 2013). They are long-lived in the wild, often with a life span of over 30 years, and return to within 250 miles of the nesting area where they were fledged each year (NYSDEC, 2015).</p> <p>Based upon an initial review, the Project is not located within the vicinity of known occurrences of bald eagles and/or their nests. East Point Energy Center will continue coordination with the NYNHP throughout the planning and permitting phases of the Project to confirm.</p> |

## **Attachment 6. NYSDEC Environmental Resource Mapper Results**



# Environmental Resource Mapper

Base Map: Topographical Using this map

Search

Tools

Layers and Legend

☒ All Layers

☒ ★ Unique Geological Features

☒ Waterbody Classifications for Rivers/Streams i

☒ Waterbody Classifications for Lakes

☒ State Regulated Freshwater Wetlands

☐ State Regulated Wetland Checkzone i

☒ Significant Natural Communities

☐ Natural Communities Near This Location i

☒ Rare Plants or Animals

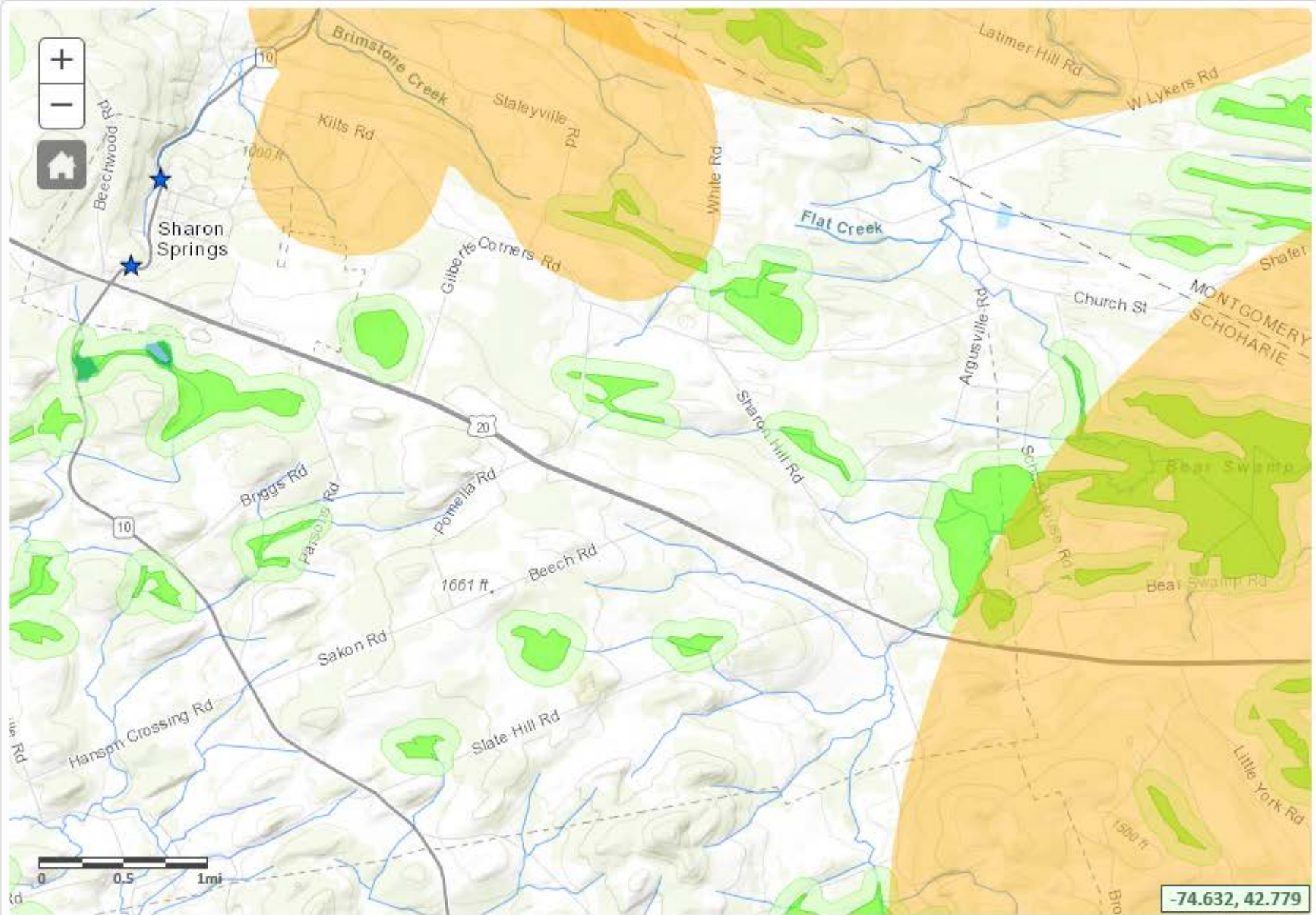
Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts



Agencies  
Services

App Directory

Counties

Events

Programs



**Attachment 7. USFWS Response and IPaC – May 2018**



## 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:

April 18, 2018

Consultation Code: 05E1NY00-2018-SLI-1813

Event Code: 05E1NY00-2018-E-05498

Project Name: East Point Energy Center

Subject: List of threatened and endangered species that may occur in your proposed project location, and/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](#)). 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

---



## Project Summary

Consultation Code: 05E1NY00-2018-SLI-1813

Event Code: 05E1NY00-2018-E-05498

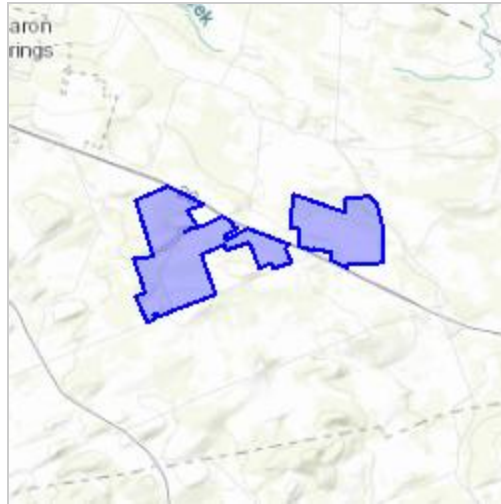
Project Name: East Point Energy Center

Project Type: POWER GENERATION

Project Description: East Point Energy Center, LLC is proposing to build and operate the East Point Energy Center Project in the Town of Sharon, Schoharie County, New York. The facility will consist of a 50 Megawatt (MW) solar power facility. The solar power facility will be located on approximately 783 acres of land.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.77235017569535N74.5510390703748W>



Counties: Schoharie, NY

---

## Endangered Species Act Species

There is a total of 1 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     |
|--|------------|
| Northern Long-eared Bat <i>Myotis septentrionalis</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a> | Threatened |

## 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 Field Office

3817 Luker Road

Cortland, NY 13045

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

<http://www.fws.gov/northeast/nyfo>



To: Samantha Kranes

Date: May 23, 2018

USFWS File No: 18TA1813

Regarding your: ☐ Letter ☐ Fax ☒ Email

Dated: May 8, 2018

For project: East Point Energy Center Project

Located: adjacent to Beech Road

In Town/County: Town of Sharon, Schoharie County

Pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the U.S. Fish and Wildlife Service:

☐ Acknowledges receipt of your "no effect" and/or no impact determination. No further ESA coordination or consultation is required.

☒ Acknowledges receipt of your determination. Please provide a copy of your determination and supporting materials to any involved Federal agency for their final ESA determination.

*any involved?*

☐ Is taking no action pursuant to ESA or any legislation at this time, but would like to be kept informed of project developments.

As a reminder, until the proposed project is complete, we recommend that you check our website (<http://www.fws.gov/northeast/nyfo/es/section7.htm>) every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current. Should project plans change or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

USFWS Contact(s): Tim Sullivan

Supervisor: *[Signature]* Date: 5/23/18



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

New York Field Office

3817 Luker Road

Cortland, NY 13045

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

<http://www.fws.gov/northeast/nyfo>



To: Samantha Kranes

Date: Sep 19, 2018

USFWS File No: 18TA1813

Regarding your: Letter Fax ☒ Email

Dated: Aug 24, 2018

For project: East Point Energy Center

Located: various properties

In Town/County: Town of Sharon, Schoharie County

Pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the U.S. Fish and Wildlife Service:

☐ Acknowledges receipt of your "no effect" and/or no impact determination. No further ESA coordination or consultation is required.

☒ Acknowledges receipt of your determination. Please provide a copy of your determination and supporting materials to any involved Federal agency for their final ESA determination.

☐ Is taking no action pursuant to ESA or any legislation at this time, but would like to be kept informed of project developments.

As a reminder, until the proposed project is complete, we recommend that you check our website (<http://www.fws.gov/northeast/nyfo/es/section7.htm>) every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current. Should project plans change or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

USFWS Contact(s): Tim Sullivan

Supervisor: [Signature] Date: 9/18/18  
Active Field Supervisor





2801 Wehrle Dr., Suite 8  
Williamsville, NY 14221

T 716.204.9543  
TRCcompanies.com

June 17, 2019

From: Rachel Silva  
TRC  
2801 Wehrle Drive, Suite 8  
Williamsville, NY 14221  
[RSilva@trccompanies.com](mailto:RSilva@trccompanies.com)  
716-221-4037

To: U.S. Fish and Wildlife Service  
New York Field Office  
3817 Luker Road  
Cortland, NY 13045

**Re: Online Project Review Request, East Point Energy Center, LLC, East Point Energy Center Project, Town of Sharon, Schoharie County, New York. Consultation Code: 05E1NY00-2018-SLI-3095**

This online project review request is being resubmitted to the U.S. Fish and Wildlife Service on behalf of East Point Energy Center, LLC, to account for any recent updates to available data. TRC has reviewed the above referenced Project using the New York Field Office's online project review process and has followed all guidance and instructions in completing the review. TRC completed the initial review on April 18, 2018. A second review was completed on August 22, 2018, and a third review on May 20, 2019. TRC is submitting this project review package in accordance with the instructions for further review. This request will update the initial requests. The IPaC Official Species Lists and USFWS response from both May 2018 and August 2018 can be found in Attachments B and C.

East Point Energy Center, LLC, is proposing to construct an approximately 50-megawatt solar voltaic array system, the East Point Energy Center (the Project), in the Town of Sharon, Schoharie County, New York (see Attachment A). The Project will be located on land leased from owners of private property. Proposed components will include commercial-scale solar arrays, access roads, inverters, fencing, buried (and possibly overhead) electric collection lines, and electrical interconnection facilities. Project construction is scheduled for late 2020/early 2021. Additional information about the Project can be found on the Project website at [eastpointenergycenter.com](http://eastpointenergycenter.com).

East Point Energy Center, LLC plans to submit an application to the NYS Board on Electric Generation Siting and the Environment in pursuit of a Certificate of Environmental Compatibility and Public Need to construct the Project under Article 10 of the Public Service Law (PSL). This request is being made in order to help prepare the Article 10 Application.

Land cover in the Project Area consists primarily of agricultural land, with portions of forestland, successional old-field, aquatic habitat, and rural residential properties. Wetland and stream delineations were performed during the growing season in 2017, 2018, and 2019 on a majority of the parcels included in the Project Area.

The enclosed project review package provides the information about the species, critical habitat, and bald eagles considered in our review. The species conclusions table included in the package (see Attachments D and E) identifies our determinations for the resources that may be affected by the Project.

In addition to our submission for project review, we are requesting the most recent breeding, wintering, and habitat data for State-listed species in order to help prepare the Article 10 Application.

For additional information, please contact me at (716) 221-4037 or via email at [RSilva@trccompanies.com](mailto:RSilva@trccompanies.com).

Sincerely,

A handwritten signature in blue ink that reads "Rachel Silva". The signature is fluid and cursive, with a small star-like mark above the 'i' in Silva.

Rachel Silva  
Project Manager

cc: Bill Boer, NextEra Energy Resources, LLC  
Kris Scornavacca, NextEra Energy Resources, LLC  
Samantha Kranes, TRC

Attachments:

- Attachment A: Figure 1. Regional Location Map
- Attachment B: USFWS Consultation- May 2018
- Attachment C: USFWS Consultation- August 2018
- Attachment D: Updated IPaC Official Species List
- Attachment E: Updated Species Conclusion Table

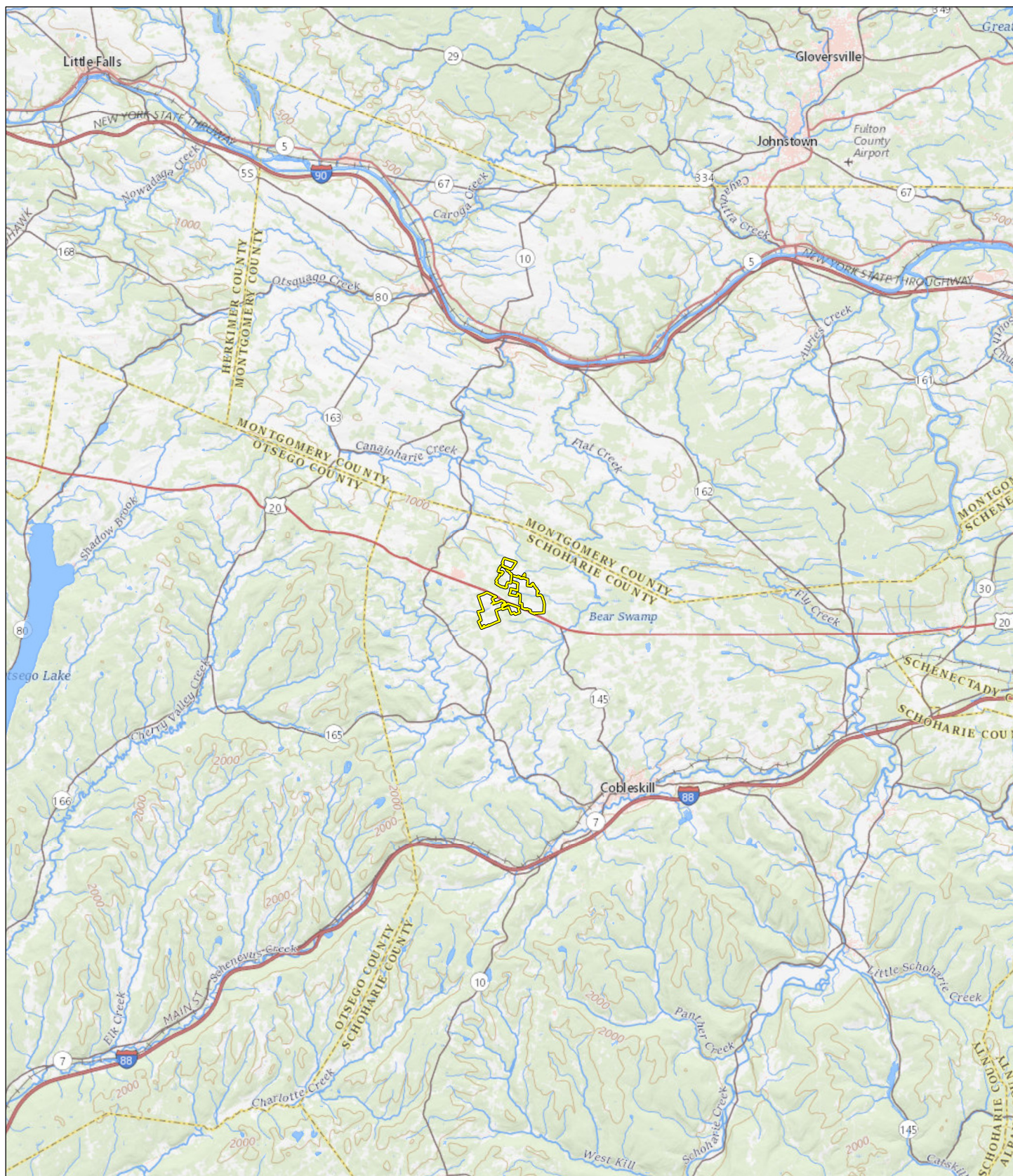


2801 Wehrle Dr., Suite 8  
Williamsville, NY 14221

T 716.204.9543  
[TRCcompanies.com](http://TRCcompanies.com)

## **Attachment A. Regional Location Map**





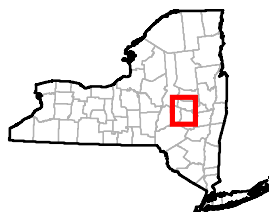
Project Area



0 1 2 3 4 5  
Miles

Base Map: USGS/The National Map

### MAP LOCATION



**REGIONAL PROJECT LOCATION**  
**EAST POINT**  
**ENERGY CENTER, LLC**  
**TOWN OF SHARON, NY**

FIGURE 1

MAY 2019

Map Produced by TRC



**Attachment B. USFWS Consultation- May 2018**



## 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:

April 18, 2018

Consultation Code: 05E1NY00-2018-SLI-1813

Event Code: 05E1NY00-2018-E-05498

Project Name: East Point Energy Center

Subject: List of threatened and endangered species that may occur in your proposed project location, and/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](#)). 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

Consultation Code: 05E1NY00-2018-SLI-1813

Event Code: 05E1NY00-2018-E-05498

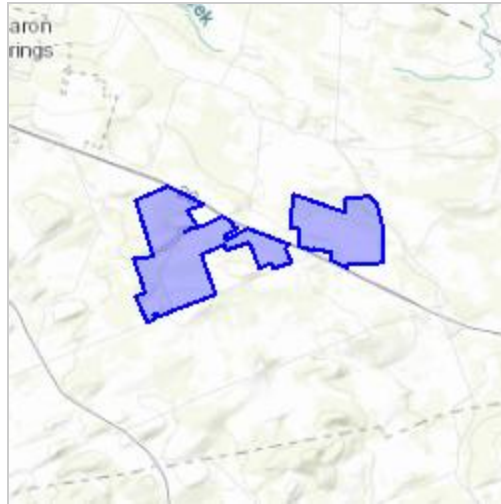
Project Name: East Point Energy Center

Project Type: POWER GENERATION

Project Description: East Point Energy Center, LLC is proposing to build and operate the East Point Energy Center Project in the Town of Sharon, Schoharie County, New York. The facility will consist of a 50 Megawatt (MW) solar power facility. The solar power facility will be located on approximately 783 acres of land.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.77235017569535N74.5510390703748W>



Counties: Schoharie, NY

---

## Endangered Species Act Species

There is a total of 1 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     |
|--|------------|
| Northern Long-eared Bat <i>Myotis septentrionalis</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a> | Threatened |

## 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 Field Office

3817 Luker Road

Cortland, NY 13045

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

<http://www.fws.gov/northeast/nyfo>



To: Samantha Kranes

Date: May 23, 2018

USFWS File No: 18TA1813

Regarding your: Letter Fax ☒ Email

Dated: May 8, 2018

For project: East Point Energy Center Project

Located: adjacent to Beech Road

In Town/County: Town of Sharon, Schoharie County

Pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the U.S. Fish and Wildlife Service:

☐ Acknowledges receipt of your "no effect" and/or no impact determination. No further ESA coordination or consultation is required.

☒ Acknowledges receipt of your determination. Please provide a copy of your determination and supporting materials to any involved Federal agency for their final ESA determination.

*any involved?*

☐ Is taking no action pursuant to ESA or any legislation at this time, but would like to be kept informed of project developments.

As a reminder, until the proposed project is complete, we recommend that you check our website (<http://www.fws.gov/northeast/nyfo/es/section7.htm>) every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current. Should project plans change or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

USFWS Contact(s): Tim Sullivan

Supervisor: Rolyn A. Date: 5/23/18

**Attachment C. USFWS Consultation- August 2018**





## 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:

August 22, 2018

Consultation Code: 05E1NY00-2018-SLI-3095

Event Code: 05E1NY00-2018-E-09400

Project Name: East Point Energy Center

Subject: List of threatened and endangered species that may occur in your proposed project location, and/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>

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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

Consultation Code: 05E1NY00-2018-SLI-3095

Event Code: 05E1NY00-2018-E-09400

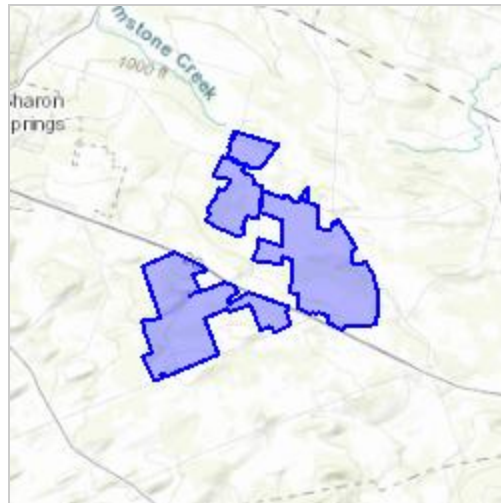
Project Name: East Point Energy Center

Project Type: POWER GENERATION

Project Description: East Point Energy Center, LLC is proposing to build and operate the East Point Energy Center Project in the Town of Sharon, Schoharie County, New York. The facility will consist of a 50 Megawatt (MW) solar power facility. The solar power facility will be located on approximately 1,314 acres of land.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.77726788668947N74.55414584316787W>



Counties: Schoharie, NY

---

## Endangered Species Act Species

There is a total of 1 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     |
|--|------------|
| Northern Long-eared Bat <i>Myotis septentrionalis</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a> | Threatened |

## 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 Field Office

3817 Luker Road

Cortland, NY 13045

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

<http://www.fws.gov/northeast/nyfo>



To: Samantha Kranes

Date: Sep 19, 2018

USFWS File No: 18TA1813

Regarding your: ☐ Letter ☐ Fax ☒ Email

Dated: Aug 24, 2018

For project: East Point Energy Center

Located: various properties

In Town/County: Town of Sharon, Schoharie County

Pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the U.S. Fish and Wildlife Service:

☐ Acknowledges receipt of your "no effect" and/or no impact determination. No further ESA coordination or consultation is required.

☒ Acknowledges receipt of your determination. Please provide a copy of your determination and supporting materials to any involved Federal agency for their final ESA determination.

☐ Is taking no action pursuant to ESA or any legislation at this time, but would like to be kept informed of project developments.

As a reminder, until the proposed project is complete, we recommend that you check our website (<http://www.fws.gov/northeast/nyfo/es/section7.htm>) every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current. Should project plans change or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

USFWS Contact(s): Tim Sullivan

Supervisor: Tim Sullivan Date: 9/18/18  
Active Field Supervisor

**Attachment D. Updated IPaC Official Species List**



## 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:

May 20, 2019

Consultation Code: 05E1NY00-2018-SLI-3095

Event Code: 05E1NY00-2019-E-06432

Project Name: East Point Energy Center

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/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](#)). 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

Consultation Code: 05E1NY00-2018-SLI-3095

Event Code: 05E1NY00-2019-E-06432

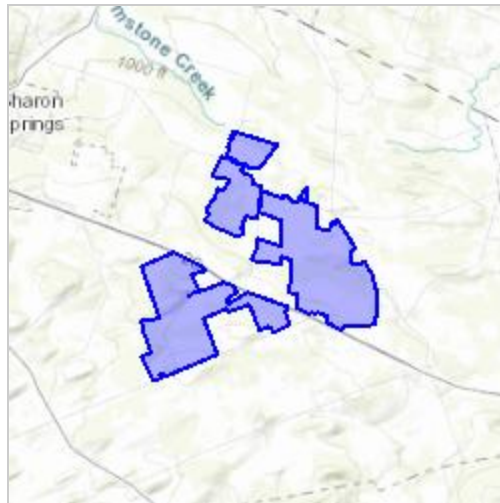
Project Name: East Point Energy Center

Project Type: POWER GENERATION

Project Description: East Point Energy Center, LLC is proposing to build and operate the East Point Energy Center Project in the Town of Sharon, Schoharie County, New York. The facility will consist of a 50 Megawatt (MW) solar power facility. The solar power facility will be located on approximately 1,314 acres of land.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.77726788668947N74.55414584316787W>



Counties: Schoharie, NY

---

## Endangered Species Act Species

There is a total of 1 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     |
|--|------------|
| Northern Long-eared Bat <i>Myotis septentrionalis</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a> | Threatened |

## Critical habitats

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

---

## **Attachment E. Updated Species Conclusion Table**

## Species Conclusions Table

Project Name: East Point Energy Center

Date: June 17, 2019

| Species Name   | Potential Habitat Present? | Species Present? | Piping Plover Critical Habitat Present? | ESA / Eagle Act Determination (REQUIRED)<br>(e.g. no effect, may affect but not likely to adversely affect, likely to adversely affect, no take, may affect but 4(d) rule). | Notes / Documentation Summary (include full rationale in your report)   |
|--|----------------------------|------------------|---|---|---|
| Northern long-eared bat<br>( <i>Myotis septentrionalis</i> ) | Yes                        | Potentially      | No                                      | <i>Not likely to adversely affect</i>   | <p>The northern long-eared bat is federally listed threatened species. The northern long-eared bat winters in hibernacula with high humidity and constant temperatures. In their summer range, the bats are opportunistic in selecting roosts, and often roost underneath bark, in cavities, or in crevices of both live and dead trees, and, rarely, in structures like barns and sheds (USFWS, 2013).</p> <p>Based upon an initial review, the Project is located in vicinity of Rare Plants or Animals (see NYSDEC ERM Results). East Point Energy Center, LLC will continue coordination with the NYNHP throughout the planning and permitting phases of the Project.</p> <p>The Project Area consists primarily of agricultural land, with portions of forestland, successional old-field, aquatic habitat, and rural residential properties. There is potential roosting habitat found in the vicinity of the Project Area. Tree species observed included sugar maple (<i>Acer saccharum</i>), red maple (<i>Acer rubrum</i>), American beech (<i>Fagus grandifolia</i>), white ash (<i>Fraxinus americana</i>), American basswood (<i>Tilia americana</i>), and eastern hemlock (<i>Tsuga canadensis</i>). The average diameter at breast height (DBH) of the trees was 8 to 24 inches.</p> |

| Species Name                                      | Potential Habitat Present? | Species Present? | Piping Plover Critical Habitat Present? | ESA / Eagle Act Determination (REQUIRED)<br>(e.g. no effect, may affect but not likely to adversely affect, likely to adversely affect, no take, may affect but 4(d) rule). | Notes / Documentation Summary (include full rationale in your report)  |
|---|----------------------------|------------------|---|---|--|
|   |                            |                  |   |   | Preliminary design indicates some tree clearing will be required as part of the Project. East Point Energy Center, LLC is working to minimize tree clearing to the maximum extent practicable. According to Section 4(d) of the Endangered Species Act final ruling for the northern long-eared bat, incidental take that results from permanent conversion of forested lands to other uses is allowed (USFWS, 2016). Therefore, it is not likely to adversely affect the northern long-eared bat.   |
| Bald eagle<br>( <i>Haliaeetus leucocephalus</i> ) | Yes                        | Unknown          | No                                      | <i>Unlikely to disturb</i>  | <p>The bald eagle is federally protected under the Migratory Bird Treaty Act (MBTA) and is listed as threatened in New York State. They breed throughout New York State and prefer areas with large bodies of water that support high fish populations (NYNHP, 2013). Bald eagles generally avoid areas with human activities and perch in either deciduous or coniferous trees (NYNHP, 2013). They are long-lived in the wild, often with a life span of over 30 years, and return to within 250 miles of the nesting area where they were fledged each year (NYSDEC, 2015).</p> <p>Based upon an initial review, the Project is not located within the vicinity of known occurrences of bald eagles and/or their nests. East Point Energy Center, LLC will continue coordination with the NYNHP throughout the planning and permitting phases of the Project to confirm.</p> |





215 Greenfield Parkway  
Suite 102  
Liverpool, NY 13088

315.671.1600 PHONE  
315.451.7903 FAX

[www.trcsolutions.com](http://www.trcsolutions.com)

May 8, 2018

NY Natural Heritage Program-Information Services  
Attn: Andrea Chaloux, Environmental Review Specialist  
NYSDEC  
625 Broadway, 5th Floor  
Albany, NY 12233-4757  
*Sent online via [NaturalHeritage@dec.ny.gov](mailto:NaturalHeritage@dec.ny.gov)*

**Re: East Point Energy Center, LLC  
East Point Energy Center Project  
Town of Sharon, Schoharie County, New York  
Project Review Request**

Dear Ms. Chaloux:

East Point Energy Center, LLC proposes to construct a solar energy center in the Town of Sharon, Schoharie County, New York (See Figure 1). East Point Energy Center, LLC plans to submit an application to the NYS Board on Electric Generation Siting and the Environment in pursuit of a Certificate of Environmental Compatibility and Public Need to construct the East Point Energy Center (the Project) under Article 10 of the Public Service Law (PSL). This request is being made in order to help prepare the Article 10 Application.

The proposed Project will consist of a 50 megawatt (MW) solar energy center located on land leased or purchased from owners of private property. Proposed components include commercial-scale solar arrays, access roads, buried (and possibly overhead) electric collection lines, and electrical interconnection facilities. The final solar array specification, as well as locations of arrays, will be finalized as part of micro-siting efforts.

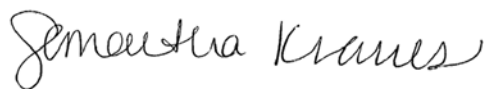
Land cover in the Project Area consists primarily of agricultural land, with portions of forestland, successional old-field, aquatic habitat, and rural residential properties. Wetland and stream delineations were performed during the summer of 2017 on a majority of the parcels included in the Project Area. Additional delineations will occur during the 2018 growing season.

The location of the Project Area is identified on the enclosed map, Figure 1. The Project is scheduled for construction in 2020.

East Point Energy Center has consulted the New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper as a first step in determining the presence of rare or state-listed animals or plants, significant natural communities, or other significant habitats in the immediate vicinity of the Project. The results of the search revealed there was no presence of "Rare Plants and Rare Animals" in the vicinity of the Project. No significant natural communities were identified as occurring within the vicinity of the Project.

TRC is requesting herein a review and confirmation of the latest NY Natural Heritage Program-Information Service records for the presence of rare or state-listed plants or animals, significant natural communities, or other significant habitats in the vicinity of the Project. If you have any questions regarding the Project or the request herein, please contact me at TRC by calling (315) 362-2415 or via email at [SKranes@trcsolutions.com](mailto:SKranes@trcsolutions.com).

Sincerely,



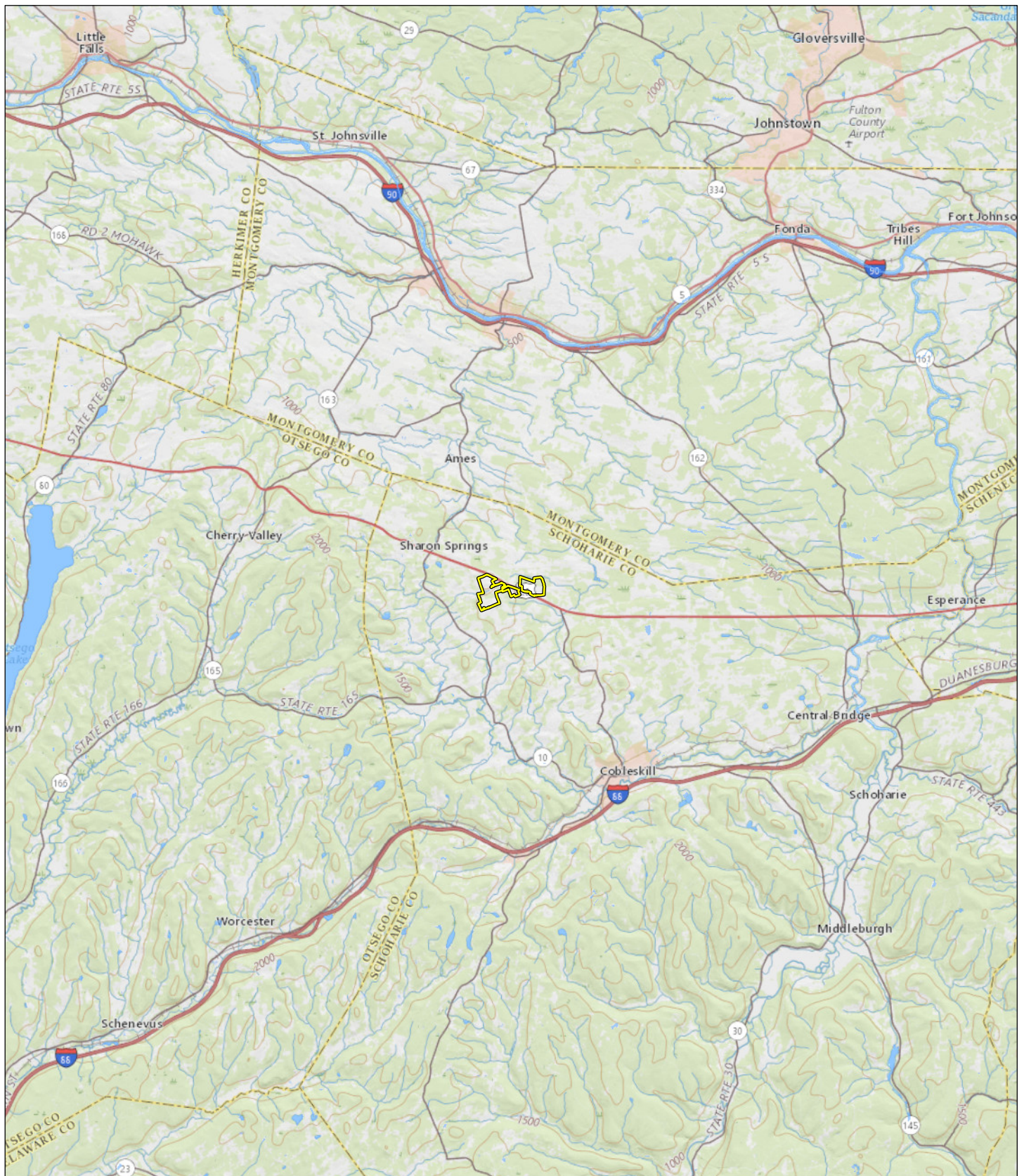
Samantha Kranes  
Project Manager, TRC


cc: Kris Scornavacca, East Point Energy Center, LLC  
Coke Coakley, East Point Energy Center, LLC  
Brian Schwabenbauer, TRC

Enclosures: Figure 1. Regional Location Map  
Figure 2. Cover Types in the Project Area





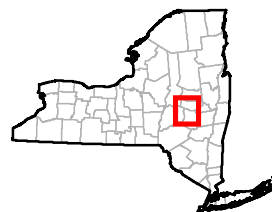


 Project Area



0 1 2 3 4 5  
Miles

#### MAP LOCATION




**East Point Energy Center, LLC**

**REGIONAL PROJECT LOCATION**  
**EAST POINT**  
**ENERGY CENTER**  
**TOWN OF SHARON, NY**

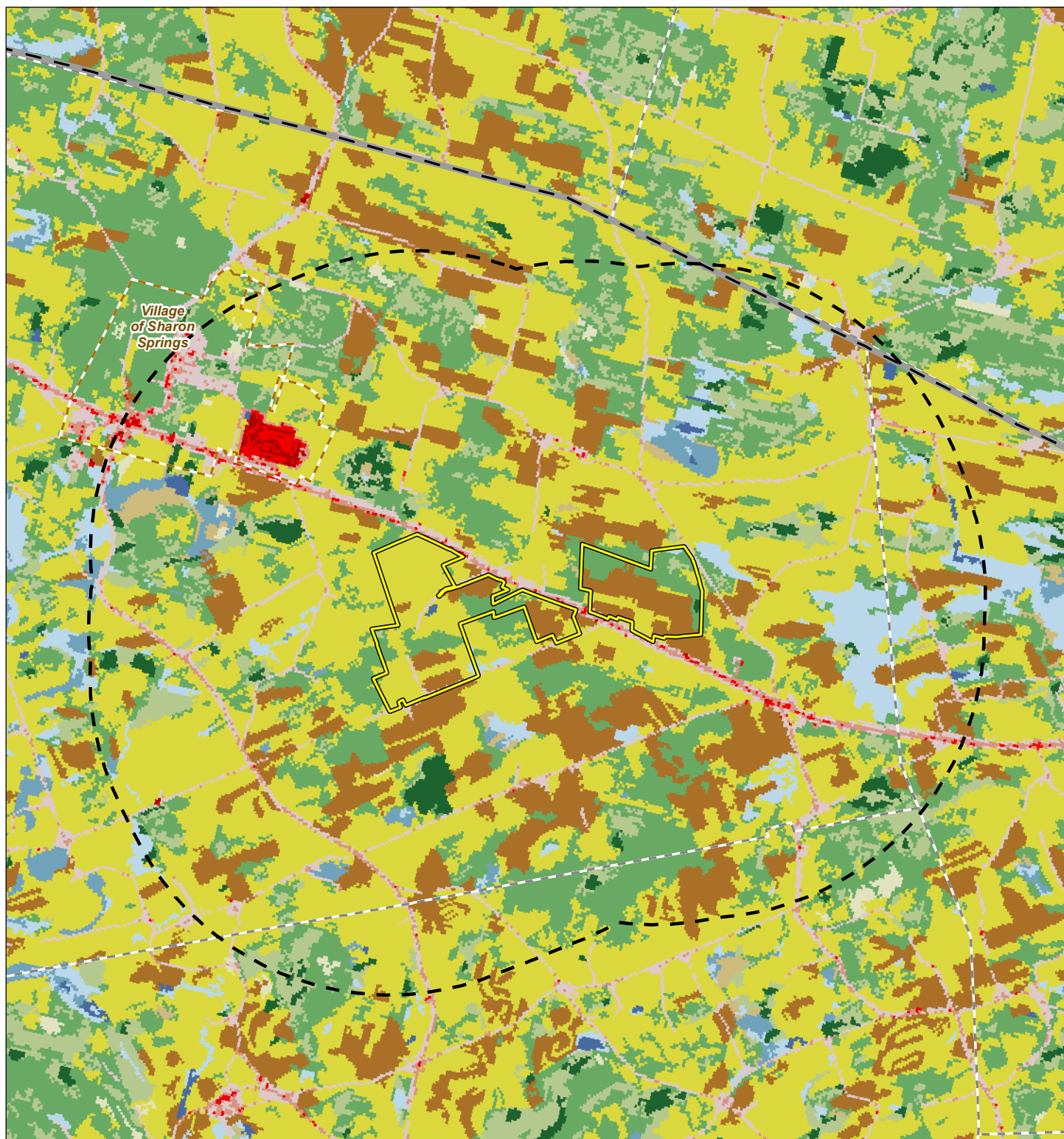
FIGURE 1

APRIL 2018

Map Produced by 

Base Map: USGS National Map, 2018





| Land Cover               |                              |                      |                              |
|--------------------------|------------------------------|----------------------|------------------------------|
| Open Water               | Developed, Medium Intensity  | Evergreen Forest     | Pasture/Hay                  |
| Developed, Open Space    | Developed High Intensity     | Mixed Forest         | Cultivated Crops             |
| Developed, Low Intensity | Barren Land (Rock/Sand/Clay) | Shrub/Scrub          | Woody Wetlands               |
|                          | Deciduous Forest             | Grassland/Herbaceous | Emergent Herbaceous Wetlands |

- Project Area
- 2-Mile Study Area
- Village Boundary
- Town Boundary
- County Boundary



0 1  
Mile

**East Point Energy Center, LLC**

**COVER TYPES IN THE  
PROJECT AREA  
EAST POINT  
ENERGY CENTER  
TOWN OF SHARON, NY**

FIGURE 2

APRIL 2018

Map Produced by CTRC



215 Greenfield Parkway  
Suite 102  
Liverpool, NY 13088

315.671.1600 PHONE  
315.451.7903 FAX

[www.trcsolutions.com](http://www.trcsolutions.com)

August 24, 2018

NY Natural Heritage Program-Information Services  
Attn: Andrea Chaloux, Environmental Review Specialist  
NYSDEC  
625 Broadway, 5th Floor  
Albany, NY 12233-4757

*Sent online via [NaturalHeritage@dec.ny.gov](mailto:NaturalHeritage@dec.ny.gov)*

**Re: East Point Energy Center, LLC  
East Point Energy Center Project  
Town of Sharon, Schoharie County, New York  
Project Review Request**

Dear Ms. Chaloux:

East Point Energy Center, LLC proposes to construct a solar energy center in the Town of Sharon, Schoharie County, New York (See Figure 1). East Point Energy Center, LLC plans to submit an application to the NYS Board on Electric Generation Siting and the Environment in pursuit of a Certificate of Environmental Compatibility and Public Need to construct the East Point Energy Center (the Project) under Article 10 of the Public Service Law (PSL). This request is being made in order to help prepare the Article 10 Application.

The proposed Project will consist of a 50 megawatt (MW) solar energy center located on land leased or purchased from owners of private property. Proposed components include commercial-scale solar arrays, access roads, buried (and possibly overhead) electric collection lines, and electrical interconnection facilities. The final solar array specification, as well as locations of arrays, will be finalized as part of micro-siting efforts.




Land cover in the Project Area consists primarily of agricultural land, with portions of forestland, successional old-field, aquatic habitat, and rural residential properties. Wetland and stream delineations were performed during the growing season in 2017 and 2018 on a majority of the parcels included in the Project Area.

The location of the Project Area is identified on the enclosed map, Figure 1. The Project is scheduled for construction in 2020.

East Point Energy Center has consulted the New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper as a first step in determining the presence of rare or state-listed animals or plants, significant natural communities, or other significant habitats in the immediate vicinity of the Project. The results of the search revealed the Project is in the vicinity of the presence of "Rare Plants and Rare Animals". No significant natural communities were identified as occurring within the vicinity of the Project.

TRC is requesting herein a review and confirmation of the latest NY Natural Heritage Program-Information Service records for the presence of rare or state-listed plants or animals, significant natural communities, or other significant habitats in the vicinity of the Project. If you have any questions regarding the Project or the request herein, please contact me at TRC by calling (315) 362-2415 or via email at [SKranes@trcsolutions.com](mailto:SKranes@trcsolutions.com).

Sincerely,

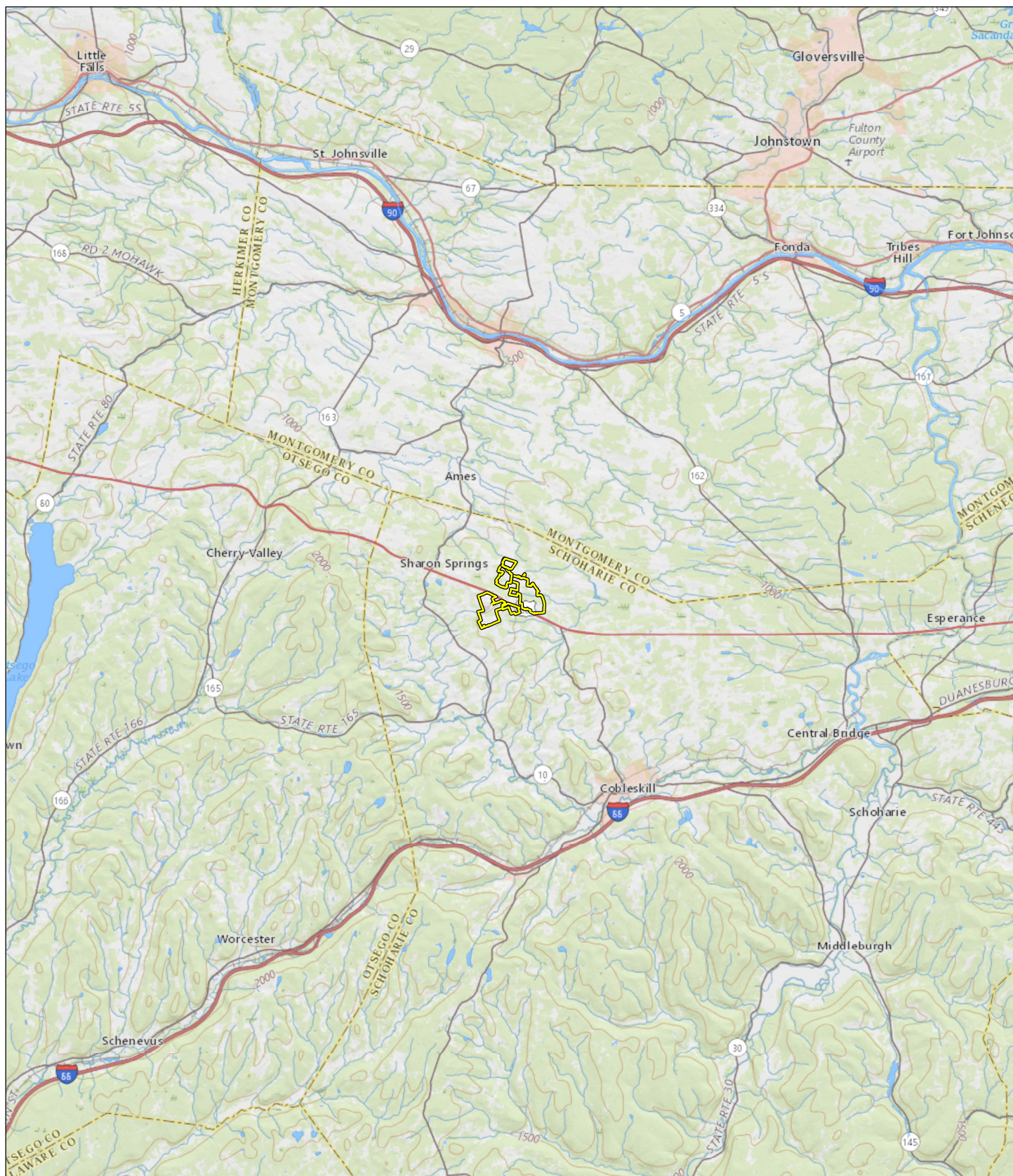



Samantha Kranes  
Project Manager, TRC

cc: Kris Scornavacca, East Point Energy Center, LLC  
Coke Coakley, East Point Energy Center, LLC  
Brian Schwabenbauer, TRC

Enclosures: Figure 1. Regional Location Map  
Figure 2. Cover Types in the Project Area



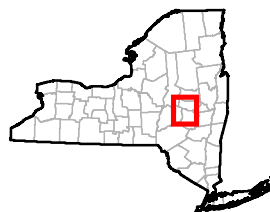


 Project Area



Base Map: USGS National Map, 2018


### MAP LOCATION



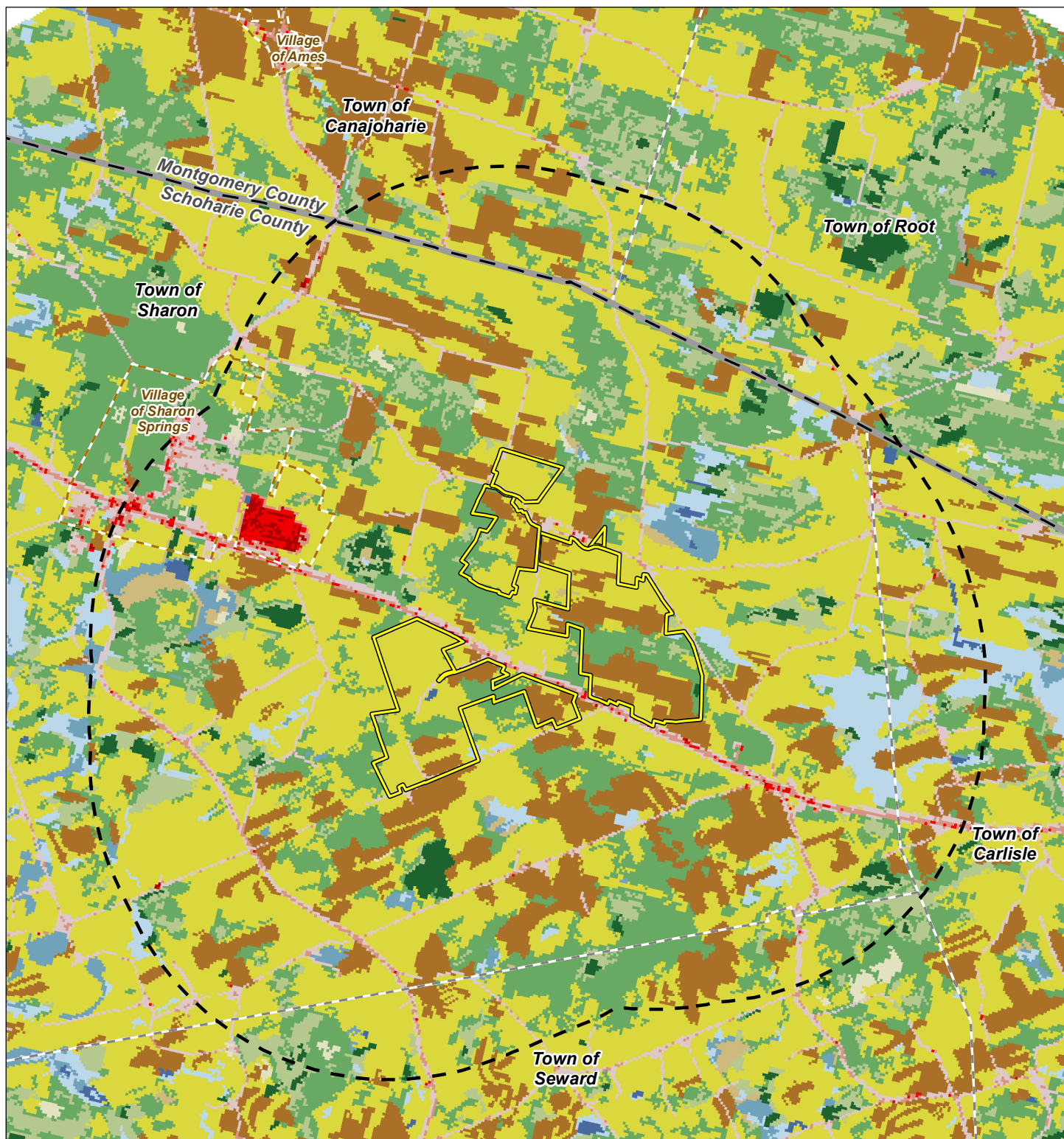
**REGIONAL PROJECT LOCATION**  
**EAST POINT**  
**ENERGY CENTER**  
**TOWN OF SHARON, NY**

FIGURE 1

AUGUST 2018

Map Produced by 





| Land Cover               |                              |                              |
|--------------------------|------------------------------|------------------------------|
| Open Water               | Developed, Medium Intensity  | Evergreen Forest             |
| Developed, Open Space    | Developed High Intensity     | Mixed Forest                 |
| Developed, Low Intensity | Barren Land (Rock/Sand/Clay) | Shrub/Scrub                  |
|                          | Deciduous Forest             | Grassland/Herbaceous         |
|                          |                              | Pasture/Hay                  |
|                          |                              | Cultivated Crops             |
|                          |                              | Woody Wetlands               |
|                          |                              | Emergent Herbaceous Wetlands |

- Project Area
- 2-Mile Study Area
- Village Boundary
- Town Boundary
- County Boundary

Data: National Land Cover Dataset, 2011  
Base Map: NYS GIS Program Office, 2017

0 1  
Mile



**COVER TYPES IN THE  
PROJECT AREA  
EAST POINT  
ENERGY CENTER  
TOWN OF SHARON, NY**

FIGURE 2

AUGUST 2018

Map Produced by CTRC

# 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)

September 27, 2018

Samantha Kranes

TRC

225 Greenfield Parkway, Suite 102

Liverpool, NY 13088

Re: East Point Energy Center Project

County: Schoharie Town/City: Sharon

Dear Ms. Kranes:

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.

Our database is continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

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 4 Office, Division of Environmental Permits at [dep.r4@dec.ny.gov](mailto:dep.r4@dec.ny.gov), 518-357-2449.

Sincerely,



Heidi Krahling

Environmental Review Specialist

New York Natural Heritage Program

1095



**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 or are candidates for federal listing.

**For information about any permit considerations for your project, please contact the Permits staff at the NYSDEC Region 4 Office at [dep.r4@dec.ny.gov](mailto:dep.r4@dec.ny.gov), 518-357-2449.**

**The following species have been documented within 250 yards north of the project site.**

| COMMON NAME                                | SCIENTIFIC NAME              | NY STATE LISTING | FEDERAL LISTING |
|--|------------------------------|------------------|-----------------|
| <b>Birds</b>                               |                              |                  |                 |
| <b>Sedge Wren</b><br><i>Breeding</i>       | <i>Cistothorus platensis</i> | Threatened       | 15183           |
| <b>Northern Harrier</b><br><i>Breeding</i> | <i>Circus hudsonius</i>      | Threatened       | 15224           |

This report only includes records from the NY Natural Heritage database.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), and from NYSDEC at [www.dec.ny.gov/animals/7494.html](http://www.dec.ny.gov/animals/7494.html).



May 21, 2019

**Sent via email to: [fishregs@gw.dec.state.ny.us](mailto:fishregs@gw.dec.state.ny.us)**

Shaun Keeler  
NYS DEC- Division of Fish, Wildlife & Marine Resources  
625 Broadway  
Albany, NY 12233

**RE: East Point Energy Center, LLC  
East Point Energy Center Project  
Town of Sharon, Schoharie County, New York  
Information Request**

Dear Mr. Keeler,

East Point Energy Center, LLC is proposing the development of a solar energy center in the Town of Sharon in Schoharie County, New York. East Point Energy Center, LLC plans to submit an application to the NYS Board on Electric Generation Siting and the Environment in pursuit of a Certificate of Environmental Compatibility and Public Need to construct the East Point Energy Center (the Project) under Article 10 of the Public Service Law (PSL).

TRC, on behalf of East Point Energy Center, LLC, is compiling information regarding fisheries data under Article 10 of the Public Service Law (§164 (1)). TRC respectfully submits this Freedom of Information Request to obtain any information that you may have pertaining to fisheries data, such as the diversity of the fish in the following bodies of water:

| NYSDEC Name                  | Regulatory ID Number |
|------------------------------|----------------------|
| Flat Creek and tribs         | 876-258              |
| Flat Creek and tribs         | 876-259              |
| Brimstone Creek and tribs    | 876-264              |
| Brimstone Creek and tribs    | 876-265              |
| West Creek, Upper, and tribs | 879-34               |
| West Creek, Upper, and tribs | 879-35               |
| West Creek, Upper, and tribs | 879-38               |
| West Creek, Upper, and tribs | 879-41               |

The enclosed shapefile package has been provided to assist in your review of the Project Study Area and outline the area requested for fisheries data information. Please note, this information request is being made in order to help prepare the Article 10 Application.

If you have any questions regarding the Project or the request herein, please contact me at TRC by calling (716) 221-4037 or via email at [RSilva@trccompanies.com](mailto:RSilva@trccompanies.com).

Sincerely,



Rachel Silva  
Senior Scientist

cc: Bill Boer, NextEra Energy Resources, LLC  
Kris Scornavacca, NextEra Energy Resources, LLC  
Samantha Kranes, TRC

Enclosure: Project Study Area shapefiles

**From:** Kozlowski, Gregory E (DEC) <[gregory.kozlowski@dec.ny.gov](mailto:gregory.kozlowski@dec.ny.gov)>  
**Sent:** Friday, August 9, 2019 2:35 PM  
**To:** Silva, Rachel <[RSilva@trccompanies.com](mailto:RSilva@trccompanies.com)>  
**Subject:** RE: Fisheries Information Request follow-up

Rachel,

Sorry for the delay. The recent emails from Heather reminded me I need to get this to you.

As I told Heather, an issue is that the Regulatory ID Number does not mean anything to me. DEC uses the Watershed Index Numbers (which are in Regulations), which Fisheries had converted to Fisheries Index Numbers (FIN) since we added waters that were missing.

Here is a table that shows the FIN numbers for the streams you requested:

- Flat Creek and tribs:H-240-112-14\*
  - Brimstone Creek and tribs: H-240-82-63-13\*
  - West Creek and tribs: H-240-102\*
- \* represents any additional numbers beyond those displayed which would represent the tribs.

We had conducted 71 surveys on the mainstems and tribs.

| Query1        |            |               |
|---------------|------------|---------------|
| WIN           | Alias      | Survey Number |
| H-240-102     |            | 407694        |
| H-240-102     | Flat Creek | 406909        |
| H-240-102-10  |            | 411384        |
| H-240-102-2   |            | 411376        |
| H-240-102-3   |            | 411371        |
| H-240-102-3A  |            | 411375        |
| H-240-102-3B  |            | 411373        |
| H-240-102-4   |            | 411372        |
| H-240-102-4A  |            | 411374        |
| H-240-102-4B  |            | 411377        |
| H-240-102-4C  |            | 411378        |
| H-240-102-5   |            | 411380        |
| H-240-102-6   |            | 407431        |
| H-240-102-6-1 |            | 411379        |
| H-240-102-6-4 |            | 411381        |

| Query1             |                 |               |
|--------------------|-----------------|---------------|
| WIN                | Alias           | Survey Number |
| H-240-102-6-5      |                 | 411383        |
| H-240-102-6-7      |                 | 411382        |
| H-240-102-6-8      |                 | 411392        |
| H-240-102-6A       |                 | 411391        |
| H-240-102-6B       |                 | 411390        |
| H-240-102-7        |                 | 411389        |
| H-240-102-8        |                 | 411386        |
| H-240-102-8A       |                 | 411388        |
| H-240-102-8B       |                 | 411387        |
| H-240-102-9        |                 | 411398        |
| H-240-102-9-1      |                 | 411397        |
| H-240-102-9-2      |                 | 411396        |
| H-240-102-9-3      |                 | 411395        |
| H-240-102-9-4      |                 | 411393        |
| H-240-102-9-4A     |                 | 411394        |
| H-240-102-P679-1   |                 | 411385        |
| H-240-112-14       |                 | 408316        |
| H-240-112-14       | Brimstone Creek | 405917        |
| H-240-112-14-1     |                 | 411370        |
| H-240-112-14-2     |                 | 411369        |
| H-240-112-14-3     |                 | 411368        |
| H-240-112-14-3A    |                 | 411367        |
| H-240-112-14-4     |                 | 411366        |
| H-240-112-14-6     |                 | 411365        |
| H-240-82-63-13     | West Creek      | 406917        |
| H-240-82-63-13     | West Creek      | 407340        |
| H-240-82-63-13-1   |                 | 408479        |
| H-240-82-63-13-10  |                 | 408489        |
| H-240-82-63-13-12  | Unnamed Water   | 407341        |
| H-240-82-63-13-13  |                 | 411361        |
| H-240-82-63-13-14  |                 | 408488        |
| H-240-82-63-13-15  |                 | 408485        |
| H-240-82-63-13-15A |                 | 411362        |
| H-240-82-63-13-17  |                 | 411364        |
| H-240-82-63-13-18  |                 | 408486        |
| H-240-82-63-13-19  |                 | 411363        |

| Query1            |       |               |
|-------------------|-------|---------------|
| WIN               | Alias | Survey Number |
| H-240-82-63-13-2  |       | 408498        |
| H-240-82-63-13-20 |       | 408487        |
| H-240-82-63-13-2B |       | 408480        |
| H-240-82-63-13-3  |       | 408497        |
| H-240-82-63-13-3B |       | 411400        |
| H-240-82-63-13-4  |       | 408496        |
| H-240-82-63-13-4A |       | 408493        |
| H-240-82-63-13-4B |       | 408484        |
| H-240-82-63-13-5  |       | 408483        |
| H-240-82-63-13-5A |       | 408492        |
| H-240-82-63-13-5B |       | 408481        |
| H-240-82-63-13-5C |       | 408495        |
| H-240-82-63-13-5D |       | 408494        |
| H-240-82-63-13-6  |       | 408482        |
| H-240-82-63-13-6B |       | 411359        |
| H-240-82-63-13-6C |       | 411360        |
| H-240-82-63-13-6D |       | 408491        |
| H-240-82-63-13-8  |       | 408490        |
| H-240-82-63-13-9  |       | 411399        |
| H-240-82-63-13-A  |       | 408499        |

We collected 33 individual fish records from those surveys:

| Query1       |            |               |  |                |              |
|--------------|------------|---------------|--|----------------|--------------|
| WIN          | Alias      | Survey Number | Site Description                                       | Common Name    | Total Length |
| H-240-102    | Flat Creek | 406909        | Rte 5S crossing in Sprakers, approx 0.2 mi from mouth. | Chain Pickerel | 124          |
| H-240-102    | Flat Creek | 406909        | Rte 5S crossing in Sprakers, approx 0.2 mi from mouth. | Walleye        | 105          |
| H-240-112-14 |            | 408316        | 1.3 miles above T6.                                    | Rainbow Trout  | 58           |
| H-240-112-14 |            | 408316        | 1.3 miles above T6.                                    | Rainbow Trout  | 53           |
| H-240-112-14 |            | 408316        | 1.3 miles above T6.                                    | Rainbow Trout  | 57           |
| H-240-112-14 |            | 408316        | 1.3 miles above T6.                                    | Rainbow Trout  | 37           |

| Query1         |       |               |                     |               |              |
|----------------|-------|---------------|---------------------|---------------|--------------|
| WIN            | Alias | Survey Number | Site Description    | Common Name   | Total Length |
| H-240-112-14   |       | 408316        | 1.3 miles above T6. | Rainbow Trout | 41           |
| H-240-112-14   |       | 408316        | 1.3 miles above T6. | Rainbow Trout | 48           |
| H-240-112-14   |       | 408316        | 1.3 miles above T6. | Rainbow Trout | 35           |
| H-240-112-14   |       | 408316        | 1.3 miles above T6. | Rainbow Trout | 53           |
| H-240-112-14   |       | 408316        | 1.3 miles above T6. | Rainbow Trout | 34           |
| H-240-112-14   |       | 408316        | 1.3 miles above T6. | Rainbow Trout | 32           |
| H-240-112-14   |       | 408316        | 1.3 miles above T6. | Rainbow Trout | 38           |
| H-240-112-14-6 |       | 411365        | 130Ft above mouth,  | Rainbow Trout | 68           |
| H-240-112-14-6 |       | 411365        | 130Ft above mouth,  | Rainbow Trout | 68           |
| H-240-112-14-6 |       | 411365        | 130Ft above mouth,  | Rainbow Trout | 71           |
| H-240-112-14-6 |       | 411365        | 130Ft above mouth,  | Rainbow Trout | 81           |
| H-240-112-14-6 |       | 411365        | 130Ft above mouth,  | Rainbow Trout | 71           |
| H-240-112-14-6 |       | 411365        | 130Ft above mouth,  | Rainbow Trout | 67           |
| H-240-112-14-6 |       | 411365        | 130Ft above mouth,  | Rainbow Trout | 71           |
| H-240-112-14-6 |       | 411365        | 130Ft above mouth,  | Rainbow Trout | 73           |
| H-240-112-14-6 |       | 411365        | 130Ft above mouth,  | Rainbow Trout | 66           |
| H-240-112-14-6 |       | 411365        | 130Ft above mouth,  | Rainbow Trout | 71           |
| H-240-112-14-6 |       | 411365        | 130Ft above mouth,  | Rainbow Trout | 63           |
| H-240-112-14-6 |       | 411365        | 130Ft above mouth,  | Rainbow Trout | 80           |



| Query1         |            |               |  |                     |              |
|----------------|------------|---------------|--|---------------------|--------------|
| WIN            | Alias      | Survey Number | Site Description   | Common Name         | Total Length |
| H-240-112-14-6 |            | 411365        | 130Ft above mouth,   | Rainbow Trout       | 57           |
| H-240-82-63-13 | West Creek | 406917        | Approx 0.8 miles upstream of T15, approx 0.4 miles South of Stagecoach Rd (marsh). | Bluntnose Minnow    | 78           |
| H-240-82-63-13 | West Creek | 406917        | Approx 0.8 miles upstream of T15, approx 0.4 miles South of Stagecoach Rd (marsh). | Brown Bullhead      | 154          |
| H-240-82-63-13 | West Creek | 406917        | Engleville Rd, downstream crossing, near Rosenberg Rd.                             | Margined Madtom     | 14           |
| H-240-82-63-13 | West Creek | 406917        | Engleville Rd, downstream crossing, near Rosenberg Rd.                             | Central Stoneroller | 52           |
| H-240-82-63-13 | West Creek | 406917        | Engleville Rd, downstream crossing, near Rosenberg Rd.                             | Creek Chub          | 102          |
| H-240-82-63-13 | West Creek | 406917        | Lowe Rd crossing, approx 0.2 miles upstream of T3.                                 | White Sucker        | 16           |
| H-240-82-63-13 | West Creek | 406917        | Lowe Rd crossing, approx 0.2 miles upstream of T3.                                 | Largemouth Bass     | 38           |

We also collected information on Bulk Fish forms (attached as an Excel spreadsheet).

### Gregory Kozlowski

Inland Fisheries Section Head, DFW

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**From:** Silva, Rachel <[RSilva@trccompanies.com](mailto:RSilva@trccompanies.com)>

**Sent:** Friday, August 09, 2019 12:48 PM

**To:** Kozlowski, Gregory E (DEC) <[gregory.kozlowski@dec.ny.gov](mailto:gregory.kozlowski@dec.ny.gov)>

**Subject:** Fisheries Information Request follow-up

**ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.**

Dear Mr. Kozlowski,

I wanted to follow up on the attached request in reference to the East Point Energy Center Project in the Town of Sharon, Schoharie County.

My colleague Heather Vaillant mentioned she was able to obtain this data for the High River Project in Montgomery County. Do you need any additional information from me to obtain similar data for East Point?

Thank you so much,

Rachel

**Rachel Silva, PMP**

Project Manager



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