July 5, 2016

Jeffrey Zappieri, Supervisor, Consistency Review Unit and Analysis
New York State Department of State
Office of Coastal, Local Government and Community Sustainability
99 Washington Avenue, Suite 1010
Albany, NY 12231-0001

Re: Lower Hudson Transit Link Project, Westchester and Rockland Counties, New York Federal Aid Notification

Dear Mr. Zappieri:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Highway Administration (FHWA), is preparing an Environmental Assessment (EA) for the federally-funded Lower Hudson Transit Link Project ("the Project") within the Interstate 87 (I-87)/Interstate 287 (I-287) corridor. The purpose of the Project is to provide an enhanced bus transit system with pedestrian safety improvements, advanced bus transit access to the White Plains Metro-North Station, and Integrated Corridor Management in Rockland and Westchester Counties. The EA is being prepared in accordance with the National Environmental Policy Act of 1969 (23 CFR 771) and State Environmental Quality Review Act (17 NYCRR Part 15). The Project is located along I-87/287 between Suffern in Rockland County and White Plains in Westchester County. The corridor also includes sections of State Route 59 in Rockland County and State Route 119 in Westchester County (between Elmsford and Tarrytown) (see Figure 1). The project corridor consists of fully developed urban and suburban areas in Rockland and Westchester Counties. The Project consists of four general components: bus shelter installation and replacement; safety improvements; improved access to the White Plains Metro North Station; and the I-87/287 Integrated Corridor Management (ICM).

The Project is partially located within the State’s Coastal Area and within the Village of Nyack, which has an approved Local Waterfront Revitalization Plan. As such, this letter serves as Federal Aid Notification. A completed State Coastal Assessment Form is also enclosed. It is not anticipated that the Project would require any federal permits for work within the Coastal Area.

The project components that would occur within the Coastal Area include the bus shelter installation/replacements and safety improvements. This work would be consistent with both the NYS Coastal Management Program and Village of Nyack LWRP.
Based on the above and enclosed information, we respectfully request that NYSDOS render a consistency decision indicating whether or not NYSDOS objects to the Project. If you have any questions please feel free to contact me at (518)485-7102.

Sincerely,

Kevin J. Novak  
NYSDOT Project Manager

cc: M. Lee, K. Cibelli, J. Moore, AKRF, Inc.

Enclosures:  
- Figure 1 USGS 7.5 Minute Topographic Map – Ramsey, Park Ridge, Nyack, and White Plains Quad  
- State Coastal Assessment Form
July 26, 2016

Mr. Kevin J. Novak, Project Manager
NYS Department of Transportation
50 Wolf Road
Albany, New York 12232

Re: F-2016-0601(FA)
NYS DOT - Lower Hudson Transit Link
Westchester and Rockland Counties
General Concurrence - No Objection to Funding

Dear Mr. Novak:

The Department of State received the information you submitted regarding the above matter on 7/11/2016.

The Department of State has determined that this proposal meets the Department’s general consistency concurrence criteria. Therefore, the Department of State has no objection to the use of the Federal Highway Administration funds for this financial assistance activity. This concurrence pertains to the financial assistance activity for this project only. If federal permits or other form of federal agency authorization is required for this activity, the Department of State will conduct a separate review for those permit activities. In such a case, please forward a copy of the federal application for authorization, a completed Federal Consistency Assessment Form, and all supporting information to the Department at the same time it is submitted to the federal agency from which the necessary authorization is requested.

When communicating with us regarding this matter, please contact Jeffrey Zappieri at (518) 474-6000 and refer to our file #F-2016-0601(FA).

Sincerely,

Jeffrey Zappieri
Supervisor, Consistency Review Unit
Office of Planning and Development

JZ/dc
July 5, 2016

Village of Nyack
9 N. Broadway
Nyack, NY 10960

Attn: Bob Galvin, Village Planner

Re: Lower Hudson Transit Link Project, Westchester and Rockland Counties, New York

Dear Mr. Galvin:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Highway Administration (FHWA), is preparing an Environmental Assessment (EA) for the federally-funded Lower Hudson Transit Link Project (“the Project”) within the Interstate 87 (I-87)/Interstate 287 (I-287 corridor). The purpose of the Project is to provide an enhanced bus transit system with pedestrian safety improvements, advanced bus transit access to the White Plains Metro-North Station, and Integrated Corridor Management in Rockland and Westchester Counties. The EA is being prepared in accordance with the National Environmental Policy Act of 1969 (23 CFR 771) and State Environmental Quality Review Act (17 NYCRR Part 15). The Project is located along I-87/287 between Suffern in Rockland County and White Plains in Westchester County. The corridor also includes sections of State Route 59 in Rockland County and State Route 119 in Westchester County (between Elmsford and Tarrytown) (see Figure 1). The project corridor consists of fully developed urban and suburban areas in Rockland and Westchester Counties. The Project consists of four general components: bus shelter installation and replacement; safety improvements; improved access to the White Plains Metro North Station; and the I-87/287 Integrated Corridor Management (ICM).

The Project is partially located within the State’s Coastal Area and within the Village of Nyack. Since the Village has an approved Local Waterfront Revitalization Plan (LWRP), this letter serves as notification of the project. Project activities that would occur with the Village of Nyack LWRP include bus shelter installation and replacement and safety improvements. The proposed project is consistent with the LWRP. For your information, a copy of the State Coastal Assessment Form and the Village of Nyack Waterfront Revitalization Form Coastal Assessment Form are enclosed.

Please contact myself at (518)485-7102 should you have any comments or questions regarding the proposed project.

Sincerely,

Kevin Novak
NYSDOT Project Manager

cc: M. Lee, K. Cibelli, J. Moore, AKRF, Inc.
Approximate coordinates of Project Site:
41° 6' 0" N, 73° 56' 24" W

LOWER HUDSON TRANSIT LINK PROJECT

USGS 7.5 Minute Topographic Map
Ramsey, Park Ridge, Nyack, and White Plains Quad

Figure 1
The following state-listed animals have been documented at the project site, or in its vicinity.

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 the project, please contact the Permits staff at the NYSDEC Region 3 Office at dep.r3@dec.ny.gov, (845) 256-3054. For information about potential impacts of the project on these species, and how to avoid, minimize, or mitigate any impacts, contact the Region 3 Wildlife staff at Wildlife.R3@dec.ny.gov, (845) 256-3098.

The following species have been documented along the project site, or within 0.5 mile.

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
<th>NY STATE LISTING</th>
<th>FEDERAL LISTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Peregrine Falcon</em></td>
<td><em>Falco peregrinus</em></td>
<td>Endangered</td>
<td></td>
</tr>
<tr>
<td>Nesting:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>and along project route in</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Bald Eagle</em></td>
<td><em>Haliaeetus leucocephalus</em></td>
<td>Threatened</td>
<td></td>
</tr>
<tr>
<td>Nesting about .5 mile from I-87/297 in</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reptiles</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Timber Rattlesnake</em></td>
<td><em>Crotalus horridus</em></td>
<td>Threatened</td>
<td></td>
</tr>
<tr>
<td>Several locations within one mile of project route between</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>as close as 100 yards. Individual animals may travel 1.5 miles from documented locations.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish -- Hudson River</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Shortnose Sturgeon</em></td>
<td><em>Acipenser brevirostrum</em></td>
<td>Endangered</td>
<td>Endangered</td>
</tr>
<tr>
<td><em>Atlantic Sturgeon</em></td>
<td><em>Acipenser oxyrinchus</em></td>
<td>No Open Season</td>
<td>Endangered</td>
</tr>
</tbody>
</table>

The following species have been documented about 2.5 miles from the project site. Individual animals may travel five miles from documented locations.

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
<th>NY STATE LISTING</th>
<th>FEDERAL LISTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mammals</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Northern Long-eared Bat</em></td>
<td><em>Myotis septentrionalis</em></td>
<td>Threatened</td>
<td>Threatened</td>
</tr>
<tr>
<td><em>Hibernaculum</em></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

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, and from NYSDEC at www.dec.ny.gov/animals/7494.html.
The following rare animals and significant natural communities have been documented along the project route, or in its vicinity.

We recommend that potential onsite and offsite impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQR. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following animals, while not listed by New York State as Endangered or Threatened, are of conservation concern to the state, and are considered rare by the New York Natural Heritage Program.

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
<th>NY STATE LISTING</th>
<th>HERITAGE CONSERVATION STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Wormsnake</td>
<td>Carphophis amoenus</td>
<td>Special Concern</td>
<td>Imperiled in NYS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2005: The snakes were found in a hilly, wooded area.</td>
<td></td>
</tr>
<tr>
<td>Dragonflies and Damselflies</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Southern Spreadwing</td>
<td>Lestes australis</td>
<td>Unlisted</td>
<td>Imperiled in NYS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2007: The habitat is a cattail/reed marsh on the</td>
<td></td>
</tr>
</tbody>
</table>

The following significant natural community is considered significant from a statewide perspective by the NY Natural Heritage Program because it is a high quality example of a more common community type. By meeting specific, documented criteria, the NY Natural Heritage Program considers this community occurrence to have high ecological and conservation value.

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
<th>NY STATE LISTING</th>
<th>HERITAGE CONSERVATION STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upland/Terrestrial Communities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chestnut Oak Forest</td>
<td></td>
<td>High Quality Occurrence</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2005: A tremendous, predominantly mature matrix forest with diverse physiognomy and composition. There is recent fire disturbance and some exotic species.</td>
<td></td>
</tr>
</tbody>
</table>

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

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 rare animals, plants, and natural communities in New York, including habitat, identification, conservation, and management, are available online in Natural Heritage’s Conservation Guides at www.guides.nynhp.org.
The following rare plants and rare animals have historical records in the vicinity of the project site.

The following rare plants and animals were documented in the vicinity of the project site at one time, but have not been documented there since 1979 or earlier, and/or there is uncertainty regarding their continued presence. There is no recent information on these plants and animals in the vicinity of the project site and their current status there is unknown. In most cases the precise location of the plant or animal in this vicinity at the time it was last documented is also unknown.

If suitable habitat for these plants or animals is present in the vicinity of the project site, it is possible that they may still occur there. We recommend that any field surveys to the site include a search for these species, particularly at sites that are currently undeveloped and may still contain suitable habitat.

New York Natural Heritage Program

Reptiles

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
<th>NYS LISTING</th>
<th>HERITAGE CONSERVATION STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bog Turtle</td>
<td><em>Glyptemys muhlenbergii</em></td>
<td>Endangered</td>
<td>Imperiled in NYS and Globally Uncommon</td>
</tr>
</tbody>
</table>

1977: [image]
1965: [image]

Plants

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
<th>NYS LISTING</th>
<th>HERITAGE CONSERVATION STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Swamp Smartweed</td>
<td><em>Persicaria setacea</em></td>
<td>Endangered</td>
<td>Critically Imperiled in NYS</td>
</tr>
</tbody>
</table>

1956: [image]: Lake shore.

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

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 rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage’s Conservation Guides at www.guides.nynhp.org, from NatureServe Explorer at www.natureserve.org/explorer, and from USDA’s Plants Database at http://plants.usda.gov/index.html (for plants).
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.
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
Official Species List

Provided by:
New York Ecological Services Field Office
3817 LUKER ROAD
CORTLAND, NY 13045
(607) 753-9334
http://www.fws.gov/northeast/nyfo/es/section7.htm

Expect additional Species list documents from the following office(s):
Long Island Ecological Services Field Office
340 SMITH ROAD
SHIRLEY, NY 11967
(631) 286-0485

Consultation Code: 05E1NY00-2016-SLI-1881
Event Code: 05E1NY00-2017-E-02726

Project Type: TRANSPORTATION

Project Name: Lower Hudson Transit Link Program
Project Description: The New York State Department of Transportation (NYSDOT), in coordination with the Federal Highway Administration (FHWA), proposes a federally-funded project to reduce traffic congestion, enhance pedestrian safety, and improve public transit use and access to local and regional destinations within the I-87/287 corridor. The Lower Hudson Transit Link (LHTL) Project (the Project) is being progressed as an Environmental Assessment under the National Environmental Policy Act (NEPA) of 1969. The LHTL Project is located along I-87/287 between Suffern in Rockland County and White Plains in Westchester County. The corridor also includes sections of State Route 59 in Rockland County and State Route 119 in Westchester County (between Elmsford and Tarrytown). The project corridor consists of fully developed urban and suburban areas in Rockland and Westchester Counties. The LHTL Project consists of four general components: bus shelter installation and replacement; safety improvements; improved access to the White Plains Metro North Station; and the I-87/287 Integrated Corridor Management (ICM).

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code
matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.
Project Location Map:

Project Coordinates: The coordinates are too numerous to display here.

Project Counties: Rockland, NY | Westchester, NY
Endangered Species Act Species List

There are a total of 3 threatened or endangered species on your 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. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

<table>
<thead>
<tr>
<th>Mammals</th>
<th>Status</th>
<th>Has Critical Habitat</th>
<th>Condition(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indiana bat (<em>Myotis sodalis</em>)</td>
<td>Endangered</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Population: Wherever found</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern long-eared Bat (<em>Myotis septentrionalis</em>)</td>
<td>Threatened</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Population: Wherever found</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reptiles</th>
<th>Status</th>
<th>Has Critical Habitat</th>
<th>Condition(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bog Turtle (<em>Clemmys muhlenbergii</em>)</td>
<td>Threatened</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Population: Wherever found, except GA, NC, SC, TN, VA</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Critical habitats that lie within your project area

There are no critical habitats within your project area.
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 (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having
similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

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 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

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation 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
Official Species List

Provided by:
Long Island Ecological Services Field Office
340 SMITH ROAD
SHIRLEY, NY 11967
(631) 286-0485

Expect additional Species list documents from the following office(s):
New York Ecological Services Field Office
3817 LUKER ROAD
CORTLAND, NY 13045
(607) 753-9334
http://www.fws.gov/northeast/nyfo/es/section7.htm

Consultation Code: 05E1LI00-2016-SLI-0289
Event Code: 05E1LI00-2017-E-00443

Project Type: TRANSPORTATION

Project Name: Lower Hudson Transit Link Program
Project Description: The New York State Department of Transportation (NYSDOT), in coordination with the Federal Highway Administration (FHWA), proposes a federally-funded project to reduce traffic congestion, enhance pedestrian safety, and improve public transit use and access to local and regional destinations within the I-87/287 corridor. The Lower Hudson Transit Link (LHTL) Project (the Project) is being progressed as an Environmental Assessment under the National Environmental Policy Act (NEPA) of 1969. The LHTL Project is located along I-87/287 between Suffern in Rockland County and White Plains in Westchester County. The corridor also includes sections of State Route 59 in Rockland County and State Route 119 in Westchester County (between Elmsford and Tarrytown). The project corridor consists of fully developed urban and suburban areas in Rockland and Westchester Counties. The LHTL Project consists of four general components: bus shelter installation and replacement; safety improvements; improved access to the White Plains Metro North Station; and the I-87/287 Integrated Corridor Management (ICM).

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matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.
United States Department of Interior
Fish and Wildlife Service
Project name: Lower Hudson Transit Link Program

Project Location Map:

Project Coordinates: The coordinates are too numerous to display here.

Project Counties: Rockland, NY | Westchester, NY
Endangered Species Act Species List

There are a total of 2 threatened or endangered species on your 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. Critical habitats listed under the Has Critical Habitat column may or may not lie within your project area. See the Critical habitats within your project area section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

<table>
<thead>
<tr>
<th>Mammals</th>
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<th>Condition(s)</th>
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<tbody>
<tr>
<td>Indiana bat (<em>Myotis sodalis</em>)</td>
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Critical habitats that lie within your project area

There are no critical habitats within your project area.
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.
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
Official Species List

Provided by:
New York Ecological Services Field Office
3817 LUKER ROAD
CORTLAND, NY 13045
(607) 753-9334
http://www.fws.gov/northeast/nyfo/es/section7.htm

Expect additional Species list documents from the following office(s):
Long Island Ecological Services Field Office
340 SMITH ROAD
SHIRLEY, NY 11967
(631) 286-0485

Consultation Code: 05E1NY00-2017-SLI-1270
Event Code: 05E1NY00-2017-E-03301

Project Type: TRANSPORTATION
Project Name: LHTL
Project Description: new bus shelters, intersection improvements, ICMS updates, Metro North station update.

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.
Project Location Map:

Project Coordinates: The coordinates are too numerous to display here.

Project Counties: Rockland, NY | Westchester, NY
Endangered Species Act Species List

There are a total of 3 threatened or endangered species on your 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. Critical habitats listed under the Has Critical Habitat column may or may not lie within your project area. See the Critical habitats within your project area section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

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| Reptiles                         |            |                      |              |
| Bog Turtle *(Clemmys muhlenbergii)* | Threatened |                      |              |
| Population: Wherever found, except GA, NC, SC, TN, VA | | | |

http://ecos.fws.gov/ipac, 02/27/2017  09:15 AM
Critical habitats that lie within your project area

There are no critical habitats within your project area.
Mr. Daniel Hitt, RLA  
Director, Office of Environment  
New York State Department of Transportation  
50 Wolf Road  
Albany, NY 12232

Subject: PIN 8823.48 – Threatened and Endangered Species Concurrence  
Lower Hudson Transit Link Project  
Rockland & Westchester Counties

Dear Mr. Hitt:

We have reviewed the documentation dated March 6, 2017 regarding ESA consultation for the subject project. The Federal Highway Administration (FHWA) has determined that the project, as proposed by New York State Department of Transportation (NYSDOT), “May Affect, but is Not Likely to Adversely Affect” the federally listed Indiana Bat and Northern long-eared Bat since tree removal will occur during the winter cutting window of October 1st to March 31st and all trees to be removed are within 100 feet of the road surface.

Concurrence was sought from the United States Fish and Wildlife Service (USFWS) on March 3 and they chose not to respond within the 14 days they are allotted in the current consultation procedures resulting in their concurrence. Section 7 consultation for the bat species is complete under the rangewide programmatic informal consultation process.

FHWA also concurs that the project activities will have “No Effect” on the Bog Turtle, Shortnose sturgeon and Atlantic sturgeon.

If at any time during construction the presence of these federally listed species, or their habitat, is discovered or suspected, construction activities must be halted. Activities cannot resume until FHWA and the USFWS are consulted.

If you have any questions, please feel free to contact me at (518) 431-8892.

Sincerely,

[Signature]

Sara J. Gross, P.E.  
Area Engineer

cc: Kevin Novak, NYSDOT  
Christa Ippoliti, NYSDOT  
Lori Blair, NYSDOT