

PSEG LONG ISLAND LLC
on Behalf of and as Agent for the
LONG ISLAND LIGHTING COMPANY d/b/a LIPA

Southampton to Deerfield Transmission Project

ENVIRONMENTAL MANAGEMENT AND CONSTRUCTION PLAN

Appendix K

Threatened and Endangered Species Minimization and Monitoring Plans

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ATTACHMENT 2 – USFWS LONG ISLAND ECOLOGICAL SERVICES FIELD DETERMINATION KEY – DATED SEPTEMBER 12, 2023

ATTACHMENT 3 – NYNHP REPORT OF RARE OR STATE-LISTED ANIMALS WITHIN THE SHDF STUDY AREA – DATED SEPTEMBER 12, 2023

1 INTRODUCTION

The Threatened and Endangered Species Minimization and Monitoring Plan (the Plan) supports PSEG Long Island's (the Certificate Holder) Southampton to Deerfield Transmission Project (the Project or the SHDF), a new, approximately 4.5-mile, 138-kilovolt (kV) underground transmission line in the Village of Southampton and Town of Southampton, Suffolk County, New York. The Plan was developed in accordance with Certificate Conditions 88 through 92 (Section L. Terrestrial Wildlife Resources) included in the Project's Certificate of Environmental Compatibility and Public Need. The Plan shall be followed to mitigate potential impacts to threatened or endangered species as well as the bald eagle.

2 DESKTOP AND CONSULTATION FINDINGS

Through the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) System, the USFWS Long Island Ecological Services Field Office provided the Official Species List (Attachment 1) for the Certified Route on September 10, 2025, under project code 2025-0096779. The Official Species List includes the following four federally listed species: The endangered northern long-eared bat (*Myotis septentrionalis*) (NLEB); threatened piping plover (*Charadrius melodus*); threatened rufa red knot (*Calidris canutus rufa*); proposed threatened tricolored bat (*Permimyotis subflavus*) (TCB); and the candidate monarch butterfly (*Danaus plexippus*). No critical habitats were identified within the Project area in the IPaC. Due to the "proposed" status of the TCB, and based on discussions with the NYSDEC, TCB protections will follow the same procedures as NLEB.

Based on the initial Determination Key submission in 2023 (Attachment 2), the USFWS issued a determination on October 3, 2023, that the Project will affect an area where NLEB are known to occur. However, based on the scope of the Project, the take of NLEB is not anticipated as the Certificate Holder is committed to restricting tree clearing associated with the Project to the permissible clearing window between December 1 to February 28 of any given year. Coordination with the NYSDEC will be conducted, as required, prior to clearing. Based on the IPaC results, no effects are anticipated for piping plover and red knot as the proposed Project does not involve disturbance within proximity to coastal shoreline areas.

A letter request was submitted to the New York Natural Heritage Program (NYNHP) for information regarding the presence of state managed threatened and endangered species and unique natural communities in the proposed Project area. In a letter dated September 12, 2023 (Attachment 3), the NYNHP responded and provided a report of rare or state-listed animals, plants and significant natural communities in the study area. The following two state listed species were identified as potentially within the Project location, which are the endangered NLEB and threatened (New York State Listing and Federally Imperiled in New York State) Atlantic White Cedar (*Chamaecyparis thyoides*). The NYNHP indicated that NLEB is documented nonbreeding (by acoustic detector) within 1.25 miles of the Project site and noted that the individual animals may travel three miles from documented locations. The main impact of concern is the cutting or removal of potential roost trees. The Atlantic White Cedar was documented within a half mile east of the Project.

The trees were found in patchy wetlands with intervening uplands used for homes and agriculture.

3 FIELD INVESTIGATION RESULTS

The NYNHP reported that comprehensive field surveys had not been conducted to provide a definitive statement as to the presence or absence of those species at the reported locations. The NYNHP recommended on-site surveys to fully assess the biological resources within the Project area.

Environmental scientists visited the proposed Project site in August and September 2023 to inventory flora and fauna, identify habitat types and determine the sites' suitability as habitat for the NLEB and other threatened and endangered species. Using data from those investigations, field ecologists developed the Vegetation and Tree Management and Invasive Species Management site plans which can be found in Appendix U and Appendix P, respectively. No individuals of a threatened or endangered species were identified during field surveys. The field surveys identified suitable habitat for the NLEB along the Certified Route, but not for any other species listed below in Table 1.

Table 1. Rare, Threatened, and Endangered Species Identified by Agencies

Category	Common Name	Scientific Name	Federal Status	State Status	Additional Details and Field Notes
Mammals	Northern long-eared bat	<i>Myotis septentrionalis</i>	Endangered	Endangered	Potential suitable habitat is within the Project area. The NYNHP documented occurrence within 1.25 miles of the Project.
	Tricolored bat	<i>Perimyotis subflavus</i>	Proposed Endangered	Not listed	Not listed on the NYNHP's documentation.
Vascular Plants	Atlantic white cedar	<i>Chamaecyparis thyoides</i>	Imperiled in New York State	Threatened	Habitat is not within the Project area. The NYNHP documented occurrence within 0.50 miles of the Project in 1986. Not listed on official IPaC.
Birds	Piping plover	<i>Charadrius melodus</i>	Threatened	Endangered	Habitat is not within the Project area. Not listed on the NYNHP's documentation.
	Red knot	<i>Calidris canutus rufa</i>	Threatened	Threatened	Habitat is not within the Project area. Not listed on the NYNHP's documentation.
Insects	Monarch butterfly	<i>Danaus plexippus</i>	Proposed Threatened	Not listed	Habitat is not within the Project area. Not listed on the NYNHP's documentation.
Notes:					
(a) Since filing the application, (1) the monarch butterfly has been uplisted from candidate species to proposed threatened, as reflected in this table, and (2) the tricolored bat has been added to the IPaC, as reflected in this table.					
(b) No critical habitats were identified by USFWS.					

4 SPECIES DESCRIPTIONS

Northern Long-eared Bat (Myotis septentrionalis)



Al Hicks, NYSDEC
<https://guides.nynhp.org/tri-colored-bat/>

The northern long-eared bat is listed as threatened both federally and in New York. No critical habitat identified by the USFWS for this species within the Project IPaC. NLEB utilize a diversity of forest habitats for roosting, foraging and raising their young. NLEB hibernate through late fall and early spring in caves or abandoned mines. NLEB face extinction due primarily to the range-wide impacts of white-nose syndrome, a deadly disease affecting cave-dwelling bats across the continent.¹

Environmental scientists visited the Project area in August and September 2023 and identified vegetative conditions that may provide potentially suitable NLEB foraging habitat and potential roosting habitat. The Certificate Holder has committed to restrict any required clearing along the Certified Route to the clearing window established by the NYSDEC (between December 1 and February 28 of any year).

Tricolored Bat (Perimyotis subflavus)



Al Hicks, NYSDEC
<https://guides.nynhp.org/tri-colored-bat/>

The tricolored bat is a small insectivorous bat that is distinguished by its unique tricolored fur and often appears yellowish to nearly orange. The once common species is wide ranging across the eastern and central United States and portions of southern Canada, Mexico and Central America. TCBs often overwinter in caves and abandoned mines, although in the southern United States, where caves are sparse, TCBs often roost in culverts and forage during warm nights. In the spring, summer, and fall, TCBs are found in forested habitats where they roost in, typically hardwood, trees, but may also be found in Spanish moss, pine trees, and occasionally human structures. TCBs face extinction due primarily to the range-wide impacts of white-nose syndrome, a deadly disease affecting cave-dwelling bats across the continent.²

¹ Northern Long-eared Bat, USFWS, <https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>.

² Tricolored Bat, USFWS, <https://www.fws.gov/species/tricolored-bat-perimyotis-subflavus>.

Piping Plover (Charadrius melodus)

Gene Nieminnen, NYNHP
<https://guides.nynhp.org/piping-plover/>

The Piping plover is listed as federally threatened and New York endangered. Critical habitat has been designated for this species; however no piping plover critical habitat is located proximate to the Project. Piping plover is a coastal shorebird that utilizes shorelines with pebbles and shells for nesting.³ Piping plovers will forage along beaches for various invertebrates.⁴ No piping plover habitat is located within or adjacent to the Project area, and therefore the Project is not expected to affect this species.

Red Knot (Calidris canutus rufa)

B.N. Singh, Cornell Ornithology Lab,
https://www.allaboutbirds.org/guide/Red_Knot/lifehistory.

The Red knot is federally and state listed as threatened. No critical habitat has been identified for this species. The red knot is a coastal shorebird, known for long migrations from Canadian arctic breeding habitats to southern feeding habitats of Tierra del Fuego in Brazil. The red knot forages on the eggs of horseshoe crabs, juvenile clams and mussels along shorelines.⁵ No red knot habitat is located within or adjacent to the Project area, and therefore the Project is not expected to affect this species.

Monarch Butterfly (Danaus plexippus)

Debbie Long, Center for Biological Diversity, https://www.biologicaldiversity.org/species/invertebrates/monarch_butterfly/.

The orange-and-black butterfly is known for its annual, multi-generational migration from Mexico to as far north as Canada. Monarch butterflies depend on milkweed to lay their eggs during the journey. Caterpillars need to feed on milkweed to complete their life cycle, and adult butterflies rely on nectar producing plants in bloom for needed energy. The decrease in native plants, including milkweed, has significantly impacted monarch populations over the past two decades.⁶ Milkweed was not identified within or adjacent to the Project area, and therefore the Project is not expected to affect this species.

³ Piping Plover Guide, NYNHP, <https://guides.nynhp.org/piping-plover/>.

⁴ Piping Plover, USFWS, <https://www.fws.gov/species/piping-plover-charadrius-melodus>.

⁵ Rufa Red Knot, USFWS, <https://www.fws.gov/species/rufa-red-knot-calidris-canutus-rufa>.

⁶ Monarch Butterfly, USFWS, <https://www.fws.gov/species/monarch-danaus-plexippus>.

Atlantic White Cedar (Chamaecyparis thyoides)



Gregory J. Edinger, NYNHP,
<https://guides.nynhp.org/atlantic-white-cedar/>.

The Atlantic white cedar is found in swamps and ponds, typically at sites with a high water table and deep organic soils. Historically, Atlantic white cedar swamps covered large areas in the coastal plain and along floodplains.⁷ One of the only remaining fragments of coastal Atlantic white cedar swamp on Long Island's East End is located northwest of the Project area, within the watershed of Little Fresh Pond in North Sea.

Atlantic white cedar is not federally listed, but is listed in New York as threatened. No Atlantic white cedar habitat is located within or adjacent to the Project area, and therefore the Project is not expected to impact this species.

Bald Eagle (Haliaeetus leucocephalus)



Tom Koerner, USFWS,
<https://www.fws.gov/media/bald-eagles-wyomings-seedskadee-national-wildlife-refuge>

Although the bald eagle was de-listed from the Endangered Species Act in 2007, it continues to be protected by the Bald and Golden Eagle Protection Act and Migratory Bird Treating Act which protects both eagles as well as their nests and eggs.⁸ The bald eagle is found throughout North America from much of Canada and Alaska, southward through the United States and into northern Mexico. In New York, bald eagles typically nest in taller conifers near waterbodies close to their primary food source, which is fish. Bald eagles also eat smaller birds, reptiles and mammals. In New York, bald eagle breeding season occurs from January 1 to September 30. The Certificate Holder is restricted during breeding season, see Sections 6.3, 7.1 and 7.2 for details.

5 OBSERVATION REPORTING PROTOCOLS

The following threatened or endangered species observation protocols shall be followed, as applicable, during pre-construction, construction or restoration activities (project activities) and operation and maintenance activities (O&M).

5.1 Threatened or Endangered Species Observation Protocol

This protocol shall be followed for all discoveries of a threatened or endangered species (including dead,

⁷ Atlantic White Cedar Guide, NYNHP, <https://guides.nynhp.org/atlantic-white-cedar/>.

⁸ Bald Eagle, USFWS, <https://www.fws.gov/species/bald-eagle-haliaeetus-leucocephalus/>.

injured and/or damaged species including their eggs or nest) within or near the Project Area.

- a. The observer shall notify the foreman and the Environmental Monitor.
- b. In order to protect the species or their habitat from immediate harm, the observer and foreman shall secure the immediate area where the Certificate Holder holds rights and safely cease activities unless such activities are necessary for protection of human life or property necessary to maintain electric reliability.
- c. The Environmental Monitor shall record the following information regarding the observation to the extent known and practicable. This information shall be provided to the NYSDEC Regional Resources Supervisor of Region 1 no later than 30 days following the observation.
 - Species;
 - Number of individuals;
 - Age and sex of individuals;
 - Observation date(s) and time(s);
 - GPS coordinates (as property rights allow) of each individual observed;
 - Behavior(s) observed;
 - Identification and contact number of the observer(s);
 - The nature of and distance to any Project construction activity, and;
 - Whether the death, injury, or damage to the T&E species, their eggs, or nest was caused by such activity.
- d. The Environmental Monitor shall make the following notifications as applicable:
 - i. Notify NYSDEC Regional Resources Supervisor of Region 1 and New York Department of Public Service Staff (Staff) of any state or federal protected species within 24 hours during Project construction or restoration activities and within 48 hours during O&M activities, unless Staff, in consultation with NYSDEC, directs otherwise, and share observational information outlined in Step c if available.
 - ii. Notify USFWS, the National Marine Fisheries Service (NMFS), and the United States Army Corps of Engineers (USACE) of any federally protected species within 24 hours during Project construction or restoration activities and within 48 hours during O&M activities or as otherwise directed by the applicable federal agency.
- e. Activities in the area shall be discontinued until such a time that the Environmental Monitor has notified the Construction Project Manager that Staff, in consultation with the NYSDEC Regional Resources Supervisor of Region 1, has authorized recommencement of activities.
- f. Prior to the recommencement of activities in the secured area, the Environmental Monitor shall provide the Construction Inspector information on the species encountered and

measure(s) to be implemented in order to minimize risks to the T&E animal or plant species.

g. The Construction Inspector shall implement said measure(s) and brief all authorized on-site personnel with pertinent information on the species encountered and the avoidance measures that have been implemented.

h. Plans will be updated to reflect any new RTE species area of concern, and the site will be clearly marked in the field.

i. Any documents or information which identify the location or habitat of any known RTE species shall be labeled CONFIDENTIAL and access shall be restricted to only those people who need to know this information. The Certificate Holder will provide appropriate training to employees and contractors as to the confidential nature of this information.

Hibernaculum or Tree Roost Observation Protocol

In the event that an Indiana, NLEB, little brown bat, or tri-colored bat hibernaculum or tree roost is identified on or near the Project area the Environmental Monitor will notify Staff and NYSDEC Regional Resources Supervisor of Region 1 within 24 hours of discovery during project activities and within 48 hours during O&M activities and consult with Staff and the NYSDEC Regional Resources Supervisor of Region 1 to comply with the substantive requirements of the ECL Article 11, and 6 NYCRR Part 182, or any other regulations or guidance as then applicable. The Threatened and Endangered Species Protocol outlined in Section 2.1 should be followed except that the following replaces Step b.:

An area of at least 500 feet in radius around the hibernaculum or roost tree(s) shall be marked within 24 hours of discovery to the extent that the Certificate Holder has property rights to allow such marking, and avoided until notice to continue construction, ground clearing, grading, or restoration activities, as applicable, at that site is granted by after consultation with NYSDEC Regional Resources Supervisor of Region 1, except if necessary for the protection of human life or property necessary to maintain electric reliability.

6 IMPACT MINIMIZATION MEASURES

The following sections outline impact and minimization measures for bat species and the bald eagle. These measures shall be implemented in order to mitigate potential impacts to individuals occurring within or near the Project area. The following measures are to be implemented during construction, restoration, and O&M activities, as applicable or unless otherwise stated.

6.1 Vegetation Clearing – Bat Species

To avoid potential impacts the NLEB and other bat species, vegetation clearing shall be conducted between

December 1 and February 28, which corresponds with the hibernation period for the NLEB ^{9,10, 11}.

6.2 Removal of Snag and Cavity Trees

From March 1 to November 30, snag and cavity trees may be removed if necessary to ensure the protection of life or property necessary to maintain electric reliability. When necessary, snag and cavity trees may be removed after being cleared by the Environmental Monitor, who shall conduct a survey for bats exiting the tree. This survey shall begin one half hour before sunset and continue until at least one hour after sunset or until it is otherwise too dark to see emerging bats. Unoccupied snag and cavity trees shall be removed within 24 hours of the exit-count survey ^{9,10}.

6.3 Bald Eagle Nest Time of Year Restrictions

No bald eagle nests were identified during the Project's preliminary field investigations. Should any bald eagle nest be identified, to protect any bald eagles that may now be active in or near the Project area, construction work (ground disturbance and construction/maintenance related activities including boring, restoration and equipment staging, storing and transportation) within 0.25 miles of that nest (or 660 feet if there are visual barriers) shall cease during the bald eagle breeding season (January 1 to September 30), except as necessary to protect human life or property necessary to maintain electric reliability.

If monitoring of the nest, by a bird monitor whose qualifications have been approved by Staff and NYSDEC, indicates that the nest has either failed prematurely or the chicks have fledged the nest and left the area, the Certificate Holder may perform construction work after NYSDEC confirms that the nest is no longer active.

7 SURVEY AND MONITORING PLANS

The following sections describe the survey and monitoring plans for bald eagles. While no nests were identified during the Project's preliminary field investigations, these plans will be implemented to help avoid potential impacts to any bald eagles that may now be active in or near the Project area.

7.1 Pre-Construction Bald Eagle Survey Plan

Prior to Project construction or maintenance activities in any area, the following protocol shall be followed. In order to avoid and protect bald eagles, at least two weeks prior to the commencement of construction, the Environmental Monitor shall conduct a visual bald eagle nest survey to determine if any are present within or near the Project area. Prior to conducting the survey, the Environmental Monitor shall consult with NYSDEC to determine if NYSDEC has records of any nests within one-mile of the Project area. The Environmental Monitor shall survey for both undocumented and documented bald eagle nests. If a nest is

⁹ If avoidance cannot be achieved, the Certificate Holder shall consult with NYSDEC and, if applicable, USFWS, to determine what, if any, permits and/or additional authorizations are required to minimize impacts.

¹⁰ Except as otherwise specified, if it is determined to be necessary to take occupied habitat or individuals of NLEB, the Certificate Holder will develop a Net Conservation Benefit Plan for acceptance by NYSDEC and Staff that satisfies the requirements of 6 NYCRR Part 182.

¹¹ General Recommendations for the Protection of Northern Long-eared Bats in New York, NYSDEC, <https://dec.ny.gov/nature/animals-fish-plants/biodiversity-species-conservation/endangered-species/northern-long-eared-bats-protection>

observed the Environmental Monitor shall make the following observations:

- Whether the nest is occupied or unoccupied;
- Number of individuals observed, if any;
- Behavior(s) observed;
- Observation date and time, and;
- GPS coordinates (as property rights allow) of each nest observed.

If any bald eagle nest is discovered within 0.25 miles of the work area, the Environmental Monitor shall notify NYSDEC and Staff within 24 hours of discovery. Except to protect human life or property necessary to maintain electric reliability, the nest shall not be approached. A 0.25 mile environmentally sensitive buffer area shall be marked, where the Certificate Holder has property rights to allow such marking; and the 0.25 mile environmentally sensitive buffer area shall be avoided until Staff, after consultation with NYSDEC, authorizes construction activities in such area. In the presence of a visual barrier (i.e., tree line, topography) that obstructs the view from the nest and shields it from work activities, the 0.25 mile environmentally sensitive buffer area shall be reduced to 660 feet.

7.2 During Activities Bald Eagle Monitoring

During Project construction or maintenance activities, the following monitoring protocol shall be followed. If construction or maintenance within 0.25 miles of an active nest during the bald eagle breeding season (January 1 to September 30) is necessary, a bird monitor whose qualifications have been approved by Staff and NYSDEC shall monitor any active nests within 0.25 miles of the proposed work during all times when construction activities are in progress. If the bald eagle(s) show signs of distress due to noise associated with the work, then all work, except work necessary to protect human life or property necessary to maintain electric reliability, must immediately cease and the area shall be avoided until Staff, after consultation with NYSDEC, authorizes construction activities in such area.

ATTACHMENT 1 – USFWS LONG ISLAND
ECOLOGICAL SERVICES FIELD OFFICE SPECIES
LIST FOR THE SHDF – DATED SEPTEMBER 10,
2025



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
Phone: (631) 286-0485 Fax: (631) 286-4003



In Reply Refer To:

09/10/2025 20:27:00 UTC

Project Code: 2025-0096779

Project Name: Southampton to Deerfield Transmission Project

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

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

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

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

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

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

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Long Island Ecological Services Field Office

340 Smith Road

Shirley, NY 11967-2258

(631) 286-0485

PROJECT SUMMARY

Project Code: 2025-0096779

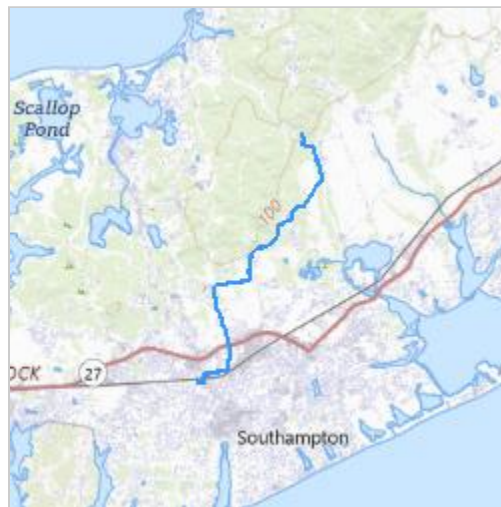
Project Name: Southampton to Deerfield Transmission Project

Project Type: Transmission Line - New Constr - Below Ground

Project Description: The Project proposed is the design and construction of a new 138-kV underground transmission line of approximately 4.5 miles between the Southampton Substation and the Deerfield Substation, in the Village and town of Southampton, Suffolk County. The Project would be constructed primarily within municipal public roadway ROW.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@40.91435955,-72.3858880992043,14z>



Counties: Suffolk County, New York

ENDANGERED SPECIES ACT SPECIES

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

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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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> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

BIRDS

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Rufa Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Simone Henry
Address: 7 Wells Ave
City: Newton Centre
State: MA
Zip: 02459
Email: shenry2@burnsmcd.com
Phone: 6177174631

ATTACHMENT 2 – USFWS LONG ISLAND
ECOLOGICAL SERVICES FIELD DETERMINATION
KEY – DATED SEPTEMBER 12, 2023



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
Phone: (631) 286-0485 Fax: (631) 286-4003



In Reply Refer To:
Project code: 2023-0125650
Project Name: Deerfield to Southampton

September 12, 2023

Federal Nexus: no
Federal Action Agency (if applicable):

Subject: Technical assistance for 'Deerfield to Southampton'

Dear Sylwia Ner-Karas:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on September 12, 2023, for 'Deerfield to Southampton' (here forward, Project). This project has been assigned Project Code 2023-0125650 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project. **Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.**

Determination for the Northern Long-Eared Bat

Based on your IPaC submission, your proposed action will affect an area where northern long-eared bats occur. Depending on the specifics of the action, it could result in the incidental take of one or more northern long-eared bats. The presence of the species in the affected area, however, does not necessarily mean that incidental take is likely and we only recommend seeking an incidental take permit when such take is reasonably certain to occur. That is, when a project is reasonably certain to harm or kill one or more northern long-eared bats. See Next Steps below for further technical assistance.

Next Steps

The Service has developed interim voluntary guidance for non-federal^[1] actions involving forest habitat modification that may affect the northern long-eared bat. Review the guidance posted here for more information <https://www.fws.gov/library/collections/interim-habitat-modification-guidance>.

[1]Federal actions include all activities or programs authorized, funded, carried out, or permitted --in whole or in part --by federal agencies in the United States or on the high seas.

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate
- Piping Plover *Charadrius melodus* Threatened
- Red Knot *Calidris canutus rufa* Threatened

You may coordinate with our Office to determine whether the Action may cause prohibited take of the species listed above.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

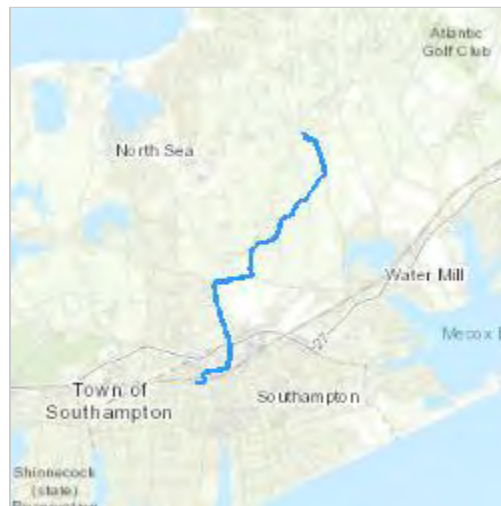
Deerfield to Southampton

2. Description

The following description was provided for the project 'Deerfield to Southampton':

PSEG Long Island, as the agent of LIPA, is proposing a new underground electric transmission project to increase the load capacity and reliability of the electric transmission system on Long Island's South Fork. Called the Southampton to Deerfield Transmission Project ("SHDF Project" or "Project"), its principle component is the installation of a new underground 138 kilovolt (kV) transmission line between the existing Southampton Substation (located in the Village of Southampton at the intersection of North Sea Road and West Prospect Street) and the existing Deerfield Substation (located in the Hamlet of Watermill, on Water Mill Town Road) primarily along roadways on existing municipal rights-of-ways. The SHDF Project is the most cost-effective solution to meet the South Fork's increasing electrical demand and need for reliable electrical service while minimizing disruptions to the community. The Project also is consistent with and further the goals of New York's Climate Leadership and Community Protection Act by supporting the transmission of wind energy on Long Island.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@40.91360065,-72.38598746318763,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Do you have post-white nose syndrome occurrence data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed acoustic detections. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

No

3. Does any component of the action involve construction or operation of wind turbines?

Note: For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

No

5. Have you contacted the appropriate agency to determine if your action is near any known northern long-eared bat hibernacula?

Note: A document with links to Natural Heritage Inventory databases and other state-specific sources of information on the locations of northern long-eared bat hibernacula is available [here](#). Location information for northern long-eared bat hibernacula is generally kept in state natural heritage inventory databases – the availability of this data varies by state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited.

Yes

6. Is any portion of the action area within 0.5-mile radius of any known northern long-eared bat hibernacula? If unsure, contact your local Ecological Services Field Office.

No

7. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

8. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?

(If unsure, answer "Yes.")

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags ≥ 3 inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

9. Will the action cause effects to a bridge?

No

10. Will the action result in effects to a culvert or tunnel?

No

11. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

No

12. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

No

13. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

14. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic on one or more existing roads?

Note: For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

15. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

16. Will the proposed action involve the creation of a new water-borne contaminant source (e.g., leachate pond pits containing chemicals that are not NSF/ANSI 60 compliant)?

No

17. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

18. Will the action include drilling or blasting?

No

19. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

20. Will the proposed action involve the use of herbicides or pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

21. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

22. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

Note: Additional information defining suitable roosting habitat for the northern long-eared bat can be found at:
<https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

23. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

Yes

24. Will the proposed action result in the cutting or other means of knocking down, bringing down, or trimming of any trees suitable for northern long-eared bat roosting?

Note: Suitable northern long-eared bat roost trees are live trees and/or snags ≥ 3 inches dbh that have exfoliating bark, cracks, crevices, and/or cavities.

No

PROJECT QUESTIONNAIRE

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Sylwia Ner-Karas
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City: Melville
State: NY
Zip: 11747
Email: karb00@yahoo.com
Phone: 6314275665

ATTACHMENT 3 – NYNHP REPORT OF RARE OR
STATE-LISTED ANIMALS WITHIN THE SHDF
STUDY AREA – DATED SEPTEMBER 12, 2023

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

September 12, 2023

Ashley Marciszyn
Nelson, Pope & Voorhis, LLC
70 Maxess Road
Melville, NY 11747

Re: PSEG LI Southampton to Deerfield
County: Suffolk Town/City: Southampton

Dear Ashley Marciszyn:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur in the vicinity of the project site.

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

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 1 Office, Division of Environmental Permits, at dep.r1@dec.ny.gov.

Sincerely,



Heidi Krahling
Environmental Review Specialist
New York Natural Heritage Program



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

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

For information about any permit considerations for the project, please contact the Permits staff at the NYSDEC Region 1 Office at dep.r1@dec.ny.gov, 631-444-0365.

The following species has been documented within 1.25 miles of the project site. Individual animals may travel 3 miles from documented locations. The main impact of concern is the cutting or removal of potential roost trees.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>	
Mammals				
Northern Long-eared Bat <i>Nonbreeding -- acoustic detector</i>	<i>Myotis septentrionalis</i>	Endangered	Endangered	15517

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

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



**The following rare plants, rare animals, and significant natural communities
have been documented at the project site, or in its vicinity.**

We recommend that potential 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 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 plants are listed as Endangered or Threatened by New York State, and/or are considered rare by the New York Natural Heritage Program, and are a vulnerable natural resource of conservation concern.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
Vascular Plants			
Atlantic White Cedar	<i>Chamaecyparis thyoides</i>	Threatened	Imperiled in NYS

Documented within 1/2 mile east of the project site. 1986-09-23: The trees are in patchy wetlands with intervening uplands used for homes and agriculture. There is Rhododendron at the edges of small ponds with some nearby development.

6160

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.