

**APPENDIX C**  
**NATURAL RESOURCES**



# United States Department of the Interior



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

In Reply Refer To:

October 24, 2017

Consultation Code: 05E1LI00-2018-SLI-0037

Event Code: 05E1LI00-2018-E-00078

Project Name: Second Avenue Subway

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 (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](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 <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 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(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  
(631) 286-0485

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## Project Summary

Consultation Code: 05E1LI00-2018-SLI-0037

Event Code: 05E1LI00-2018-E-00078

Project Name: Second Avenue Subway

Project Type: TRANSPORTATION

Project Description: Phase 2 of the Second Avenue Subway project, which would provide a new subway along the following corridor: Second Ave (from 105th to 125th Sts) and 125th St from Second to Lenox Aves

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/40.799105462245464N73.93619197710501W>



Counties: New York, NY

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## **Endangered Species Act Species**

There is a total of 0 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. 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.

## **Critical habitats**

There are no critical habitats within your project area under this office's jurisdiction.

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**AKRF, Inc.**  
**Environmental, Planning, and Engineering Consultants**  
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August 11, 2017

Mr. Nicholas Conrad  
Information Resources Coordinator  
New York Natural Heritage Program  
New York State Department of Environmental Conservation  
625 Broadway, 5th Floor  
Albany, NY 12233-4757

Re: **Threatened or Endangered Species Information Request**  
**Second Avenue Subway Phase 2, New York, New York**

Dear Mr. Conrad:

In 2004, the Federal Transit Administration (FTA) issued a Record of Decision (ROD) in accordance with the National Environmental Policy Act (NEPA) for the proposed Second Avenue Subway in Manhattan, which would extend from 125th Street and Park Avenue in East Harlem to Hanover Square in Lower Manhattan. The project was envisioned in four phases. Phase 1 is complete, and the Metropolitan Transportation Authority Capital Construction Company (MTACC) is advancing Phase 2 of the Second Avenue Subway (SAS Phase 2). Phase 2 would extend northward along Second Avenue from the Phase 1 limits at about 105th Street, then curve westward along 125th Street and extend to a point near Lenox Avenue (exact terminus depends on design options) (see **Figure 1**). Three new stations would be located at 106th Street and 116th Street along Second Avenue, and at 125th Street between Lexington and Park Avenues.

Because the proposed project is seeking federal funding from the FTA, it requires consistency with NEPA. Due to project changes since the 2004 Final Environmental Impact Statement (FEIS) and ROD were issued, a NEPA Re-evaluation will be prepared for the proposed SAS Phase 2 project. In support of this effort, I am requesting information on federally- and/or state-listed threatened or endangered species, species of special concern, and habitats of special concern within 0.5 miles of the proposed project. The information provided by the New York Natural Heritage Program (NYNHP) will be used in the preparation of environmental documentation for this project. However, map(s) showing specific locations of sensitive species or habitats developed from lists provided by NYNHP will not be published in any document.

Please feel free to contact me at (646) 388-9824 or by email at [enemeth@akrf.com](mailto:enemeth@akrf.com) should you have any questions regarding this information request. Thank you for your time in providing us with this information.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Nemeth", with a long horizontal flourish extending to the right.

Elizabeth (Betsi) Nemeth  
Senior Technical Director

cc: Linda Corcoran, Jennifer Wuotinen (MTACC)  
Julie Cowing, Chris Calvert, Steven Gates (AKRF)





# 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)

August 17, 2017

Betsi Nemeth  
AKRF, Inc.  
440 Park Avenue South, 7th Floor  
New York, NY 10016

Re: Second Avenue Subway Phase 2  
County: New York    Town/City: City Of New York

Dear Betsi Nemeth:

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

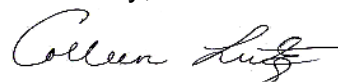
Enclosed is a report of state-listed animals that our database indicates occur in the vicinity of the project site.

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 2 Office, Division of Environmental Permits, as listed at [www.dec.ny.gov/about/39381.html](http://www.dec.ny.gov/about/39381.html).

Sincerely,



Colleen Lutz

Assistant Biologist

New York Natural Heritage Program

1011



**The following state-listed animal has 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 the project, contact the Permits staff at the NYSDEC Region 2 Office. For information about potential impacts of the project on these species, and how to avoid, minimize, or mitigate any impacts, contact the Wildlife Manager.**

A listing of Regional Offices is at <http://www.dec.ny.gov/about/558.html>.

**The following species has been documented at two locations 0.4 mile from the project site.**

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
<b>Peregrine Falcon</b> <i>Breeding</i>	<i>Falco peregrinus</i>	Endangered	12413

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).