
Appendix A: Agency Correspondence



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

October 30, 2019

Ms. Linda Tonn, R.A.
Chief Architect Capital Program Management
MTA/NYCT Capital Program Management
2 Broadway, B6.12
New York, NY 10004

Re: MTA
Staten Island North Shore Bus Rapid Transit (BRT) Project
400 Richmond Terrace, New York, NY
19PR05262

Dear Ms. Tonn:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) regarding the proposed Staten Island Bus Rapid Transit project. We have reviewed the submitted documents under the State Environmental Quality Review Act (SEQRA) as requested. The role of this office in the SEQRA process is act as a subject matter expert in the area of Historic Preservation. These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

We note that the proposed project area encompasses several State and National Register listed or eligible properties, including the National Historic Landmark (NHL) Sailors' Snug Harbor site. We have reviewed the SEQRA Lead Agency notice and project description with supporting documentation that were provided to our office on August 2nd, 2019. Based upon our review, and upon our site meeting and tour of October 4th, we offer the following comments:

1. SHPO generally concurs with the proposed Area of Potential Effects, however we recommend enlarging it around Sailors' Snug Harbor to adequately account for potential visual and contextual project effects on this NHL.
2. SHPO recommends that a Phase 1a archaeology survey be conducted.
3. SHPO recommends that an Architectural Resources survey be conducted. For the architectural survey, please use the building survey wizard and create built resources for properties recommended eligible for the State and National Registers in the APE. Complete the required fields, upload current images, provide a brief description, and statement of significant. Also, please create built resources for existing eligible and listed properties in the APE. Complete the required fields and upload current images only.

Please note that the survey reports will also be requested via CRIS survey tokens.

The OPRHP appreciates the opportunity to comment under the SEQRA review process as an interested agency. It should be noted that further consultation with our office will be necessary as the project moves forward if there is state or federal involvement in the projects. Involvement of a federal

Division for Historic Preservation

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or state agency triggers a more formal review with our office under the National Historic Preservation Act of 1966 and Section 14.09 of the New York State Parks, Recreation, and Historic Preservation Law, respectively.

If you have any questions, I can be reached at (518) 268-2182.

Sincerely,



Olivia Brazee
Historic Site Restoration Coordinator
olivia.brazee@parks.ny.gov

via e-mail only

cc: Sara McIvor, MTA
Eric Bohn, MTA



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

December 11, 2019

Ms. Linda Tonn, R.A.
Chief Architect Capital Program Management
MTA/NYCT
2 Broadway, B6.12
New York, NY 10004

Re: FTA
Staten Island North Shore Bus Rapid Transit (BRT) Project
400 Richmond Terrace, Staten Island, NY
19PR05262

Dear Ms. Tonn:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (NY Environmental Conservation Law Article 8).

We note that the project area encompasses several State and National Register listed or eligible properties, including the National Historic Landmark (NHL) Sailors' Snug Harbor site. We have reviewed the project description with supporting documentation that were provided to our office on October 29th, and November 26th, 2019. Based upon our review, and upon our site meeting and tour of October 4th, and subsequent conference calls, we offer the following comments:

1. SHPO concurs with the proposed Area of Potential Effects, including a 400-foot area around Sailors' Snug Harbor to adequately account for potential visual and contextual project effects on this NHL.
2. We concur with the scope for the architectural survey outlined in your letter dated November 26, 2019. We will send a new request via CRIS to provide property-specific information and upload the report. For properties that appear to be eligible for listing on the National Register, please create a built resource, complete the required fields, upload current images, and provide a brief description and statement of significance. Also, please create built resources for existing eligible and listed properties in the 90-foot APE; complete the required fields and upload current images only. For questions please call Linda Mackey at (518)268-2148.

If additional information or correspondence is required regarding this project it should be provided via our Cultural Resource Information System (CRIS) at <https://cris.parks.ny.gov/>. Once on the CRIS site, you can log in as a guest and choose "submit" at the very top menu. Next choose "submit new information for an existing project". You will need this project number and your e-mail address. If you have any questions, I can be reached at (518) 268-2182.

Sincerely,

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • parks.ny.gov

Olivia Brazee
Historic Site Restoration Coordinator
olivia.brazee@parks.ny.gov

via e-mail only

cc: Sara McIvor, NYCT
Eric Bohn, NYCT
Gina Santucci, NYC LPC
Amanda Sutphin, NYC LPC
Cece Saunders, Historical Perspectives
Julie Abell Horn, Historical Perspectives



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

July 3, 2020

Ms. Linda Tonn, R.A.
Chief Architect Capital Program Management
MTA/NYCT
2 Broadway
B6.12
New York, NY 10004

Re: FTA
Staten Island North Shore Bus Rapid Transit (BRT) Project
400 Richmond Terrace, Staten Island, NY
19PR05262

Dear Ms. Tonn:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project.

We have reviewed the viewshed analysis for Sailors' Snug Harbor and the memorandum of project design options that were provided to our office on June 4, 2020. Based upon our review, the proposed undertaking would have an Adverse Effect upon the setting of Sailors' Snug Harbor, a National Historic Landmark. Before our office can concur with the proposal, an Alternatives Analysis must be conducted to study reasonable project alternatives that would avoid or minimize harm to historic resources. We note that the Architectural Resources survey previously requested by our office is still outstanding. Please provide this survey so that our office can review and provide comments, and so that consultation can move forward to the next step of the alternatives analysis.

If you have any questions, I can be reached at (518) 268-2182.

Sincerely,

Olivia Brazee
Historic Site Restoration Coordinator
olivia.brazee@parks.ny.gov

via e-mail only

cc: Sara McIvor, NYCT
Eric Bohn, NYCT
Gina Santucci, NYC LPC
Amanda Sutphin, NYC LPC
Cece Saunders, Historical Perspectives
Julie Abell Horn, Historical Perspectives

Division for Historic Preservation

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**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

July 22, 2020

Ms. Linda Tonn, R.A.
Chief Architect Capital Program Management
MTA/NYCT
2 Broadway, B6.12
New York, NY 10004

Re: FTA
Staten Island North Shore Bus Rapid Transit (BRT) Project
400 Richmond Terrace, Staten Island, NY
19PR05262

Dear Ms. Tonn:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project.

We have reviewed the description and renderings illustrating the proposed changes to the stairs and cheek/retaining walls at both the 120th Police Precinct and the Richmond County Courthouse, provided to our office on June 29th, 2020. We understand that the existing steps have been replaced at both buildings. Based upon this, and upon our assessment of the visual impacts to the historic buildings as illustrated in the renderings, we have no concerns with this component of the proposed project.

If you have any questions, I can be reached at (518) 268-2182.

Sincerely,

Olivia Brazee
Historic Site Restoration Coordinator
olivia.brazee@parks.ny.gov

via e-mail only

cc: Sara McIvor, NYCT
Eric Bohn, NYCT
Gina Santucci, NYC LPC
Amanda Sutphin, NYC LPC
Cece Saunders, Historical Perspectives
Julie Abell Horn, Historical Perspectives



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

March 3, 2023

Naomi Delphin
Regional Planning Construction & Development
MTA
2 Broadway, C4.32
New York, NY 10004

Re: FTA
Staten Island North Shore Bus Rapid Transit (BRT) Project
19PR05262

Dear Naomi Delphin:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

SHPO has reviewed the *Architectural Resources Survey, Staten Island North Shore Bus Rapid Transit (BRT) Project, Staten Island, Richmond County, New York* dated August 2020 and associated appendices.

Based on the documentation submitted, the newly identified properties listed below appear to meet the criteria for inclusion in the National Register of Historic Places:

- Industrial Building at 1550 Richmond Terrace
- The Richmond Apartments at 514 Richmond Terrace
- Residence at 536 Richmond Terrace
- Con Edison Executive Offices at 1165 Richmond Terrace

Also, based on the additional documentation, current and historic photographs, and a review of the Sailors' Snug Harbor National Register and National Historic Landmark nominations, the stone lookout platform and stone retaining walls and pathways identified in the *Architectural Resources Survey*, are considered contributing resources to Sailors' Snug Harbor.

Additional submissions should be provided via our Cultural Resource Information System (CRIS) at <https://cris.parks.ny.gov/>. You may log in as a guest and choose "submit" at the very top menu. Next choose "submit new information for an existing project". You will need this

project number and your e-mail address. If you have any questions, I am best reached via e-mail.

Sincerely,

A handwritten signature in cursive script that reads "Linda Mackey".

Linda Mackey
Historic Preservation Program Analyst
linda.mackey@parks.ny.gov

cc: Amanda Sutphin, NYC LPC
Cece Saunders, Historical Perspectives
Gina Santucci, NYC LPC
Julie Abell Horn, Historical Perspectives
Luminita Marinescu, MTA
Paula Chaudhuri, MTA
Thomas Abdallah, MTA



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

July 28, 2023

Naomi Delphin
Regional Planning Construction & Development
MTA
2 Broadway, C4.32
New York, NY 10004

Re: FTA
Staten Island North Shore Bus Rapid Transit (BRT) Project
19PR05262

Dear Naomi Delphin:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project.

We have reviewed the Alternatives Analysis report dated June 2023 that was submitted to our office on July 3rd, 2023. Based upon our review, we offer the following comments:

1. Page 13 of the report cites NEPA review and “future federal funding”; please clarify the anticipated federal component(s) of this project. We would remind you that federal involvement triggers consultation under Section 106, the National Historic Preservation Act of 1966, and that US DOT funding or approval triggers review under Section 4(f), the U.S. Department of Transportation Act of 1966.
2. Will a U.S. Army Corps of Engineers permit (or permits) be required for this project? Army Corps permits trigger Section 106.
3. We request a more detailed analysis of the technical feasibility and cost of Alternatives 5 and 7, as compared to the Preferred Alternative. For example, page 21 of the report cites “significant physical improvements and associated capital costs” for Alternative 7, but offers no further information about what those anticipated improvements and costs are expected to be. It would be helpful to be able to compare those aspects of Alternatives 5 and 7 with the corresponding improvements and costs expected for the Preferred Alternative.
4. Page 19 of the report cites potential adverse impacts to Walker Park and Walker Park Field House, however we note that Walker Park and Field House have not yet been determined eligible for listing in the State and National Registers (S/NR). We further note that there are three identified historic resources within the Area of Potential Effect for Alternative 7: the Judge Jacob Tysen House at 355 Fillmore Street, which is individually listed in the S/NR; the S/NR-listed Neville House at 806 Richmond Terrace, which is also locally designated NYC Landmark; and the George

New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation, Peebles Island, PO Box 189, Waterford, New York 12188-0189
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- William and Anna Curtis House at 234 Bard Avenue, which is a locally designated NYC Landmark. It is this office's opinion that any street-running alternatives are not likely to have adverse impacts to nearby historic resources.
5. Has the project been presented to the local Community Board? We recommend community outreach to educate stakeholders about the proposed project and its potential impacts to historic and cultural resources.
 6. We would like to reiterate this office's opinion that constructing an elevated causeway at the waterfront in front of Sailors Snug Harbor will have an Adverse Impact on this historic resource, which is a National Historic Landmark. Furthermore, we do not believe that such an impact could be meaningfully mitigated.

If you have any questions, I am best reached via e-mail.

Sincerely,



Olivia Brazee
Historic Site Restoration Coordinator
olivia.brazee@parks.ny.gov

cc: A. Sutphin and G. Santucci, NYC LPC
C. Saunders, J.A. Horn, Historical Perspectives
L. Marinescu, P. Chaudhuri, and T. Abdallah, MTA

via e-mail only



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

August 17, 2023

Naomi Delphin
Regional Planning Construction & Development
MTA
2 Broadway, C4.32
New York, NY 10004

Re: FTA
Staten Island North Shore Bus Rapid Transit (BRT) Project
19PR05262

Dear Naomi Delphin:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project.

We have reviewed the supplemental Alternatives Analysis memo dated August 9th, 2023. Thank you for preparing this additional information in response to our request. We do not concur with the approach to consultation being taken by the project team, and therefore we decline to comment any further on the project until the question of federal funding and Section 106 review is resolved.

If you have any questions, I am best reached via e-mail.

Sincerely,

Olivia Brazee
Historic Site Restoration Coordinator
olivia.brazee@parks.ny.gov

cc: CRIS list

via e-mail only

ENVIRONMENTAL REVIEW

Project number: MTA/DCP CO-LEADS / 20CTA001R
Project: SI NORTH SHORE BUS RAPID TRANSIT SYSTEM (BRT)
Date Received: 7/13/2020

Comments:

LPC is in receipt of the Sailors' Snug Harbor (SSS) viewshed analysis and Police Precinct Courthouse reconfiguration modifications dated June, 2020. Comments are as follows.

Regarding the SSS viewshed, LPC defers to the SHPO for treatment.

Concerning the Police Precinct reconfiguration, LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from Native American and historic occupation on the project site. Accordingly, the Commission recommends that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2014).

Cc: SHPO



7/27/2020

SIGNATURE
Gina Santucci, Environmental Review Coordinator

DATE

File Name: 34209_FSO_DNP_07172020.docx

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

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www.dec.ny.gov

December 27, 2019

John Pabish
Amy S. Greene Environmental Consultants, Inc.
4 Walter E. Foran Blvd, Suite 209
Flemington, NJ 08822

Re: North Shore Bus Rapid Transit System, Staten Island (ASGECI # 4348)
County: Richmond Town/City: City Of New York

Dear Mr. Pabish:

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 2 Office, Division of Environmental Permits, at dep.r2@dec.ny.gov, (718) 482-4997.

Sincerely,



Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program

1462



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 other rare animals found with the listed species.

For information about any permit considerations for the project, contact the NYSDEC Region 2 Office, Division of Environmental Permits, at dep.r2@dec.ny.gov, (718) 482-4997.

The following species have been documented at the Bayonne Bridge.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Peregrine Falcon <i>Breeding</i>	<i>Falco peregrinus</i>	Endangered	
Barn Owl <i>Breeding</i>	<i>Tyto alba</i>	Unlisted, but imperiled in New York	

The following species has been documented about 2/3 mile from the project site.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Bald Eagle <i>Breeding</i>	<i>Haliaeetus leucocephalus</i>	Threatened	

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

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program

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www.dec.ny.gov

April 6, 2023

John Pabish
Amy Greene Environmental, a Davey Company
4 Walter E. Foran Blvd., Suite 209
Flemington, NJ 08822

Re: AGE 4348 North Shore Bus Rapid Transit System
County: Richmond Town/City: Staten Island

Dear John Pabish:

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 2 Office, Division of Environmental Permits, at dep.r2@dec.ny.gov.

Sincerely,



Heidi Kraehling
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 your project, please contact the Permits staff at the NYSDEC Region 2 Office at dep.r2@dec.ny.gov, (718) 482-4997.

The following species has been documented nesting within 1/4 mile of the project site.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Birds			
Peregrine Falcon <i>Breeding</i>	<i>Falco peregrinus</i>	Endangered	8167

The following species has been documented within 1/3 mile of the project site.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Birds			
Bald Eagle <i>Breeding</i>	<i>Haliaeetus leucocephalus</i>	Threatened	14958

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 SEQRA. 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 animal, while not listed by New York State as Endangered or Threatened, is of conservation concern to the state, and is considered rare by the New York Natural Heritage Program.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
Barn Owl <i>Breeding</i>	<i>Tyto alba</i>	Protected Bird	Critically Imperiled in NYS
Documented within 1/4 mile of the project site. 1998-2001: The nest was found at a bridge over a river, in an urban area.			

11324

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.



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: 2023-0047974
Project Name: AGE 4348 North Shore Bus Rapid Transit System

February 22, 2023

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 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>

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

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

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/birds/policies-and-regulations/executive-orders/e0-13186.php>.

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: 2023-0047974

Project Name: AGE 4348 North Shore Bus Rapid Transit System

Project Type: Road/Hwy - New Construction

Project Description: reconstruct a 5-mile portion of the right-of-way of the former North Shore branch of the Staten Island Rapid Transit into a dedicated exclusive-use two-lane busway

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@40.640670400000005,-74.12161978896623,14z>



Counties: Richmond County, New York

ENDANGERED SPECIES ACT SPECIES

There is a total of 3 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	Threatened

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

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

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

IPAC USER CONTACT INFORMATION

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