

December 14, 2022

Mr. Joseph J. Pfau, PE  
Pietrzak & Pfau Engineering & Surveying, PLLC  
262 Greenwich Ave,  
Goshen, New York 10924

***Re: Threatened and Endangered Species Review  
Elkay Drive Commercial Bldg Site (Tax ID: 6-1-69.3)  
Town of Chester, Orange County, New York***

Dear Mr. Pfau:

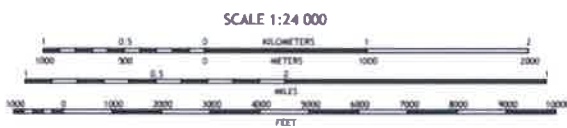
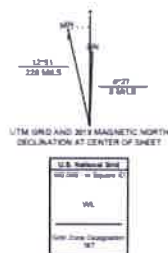
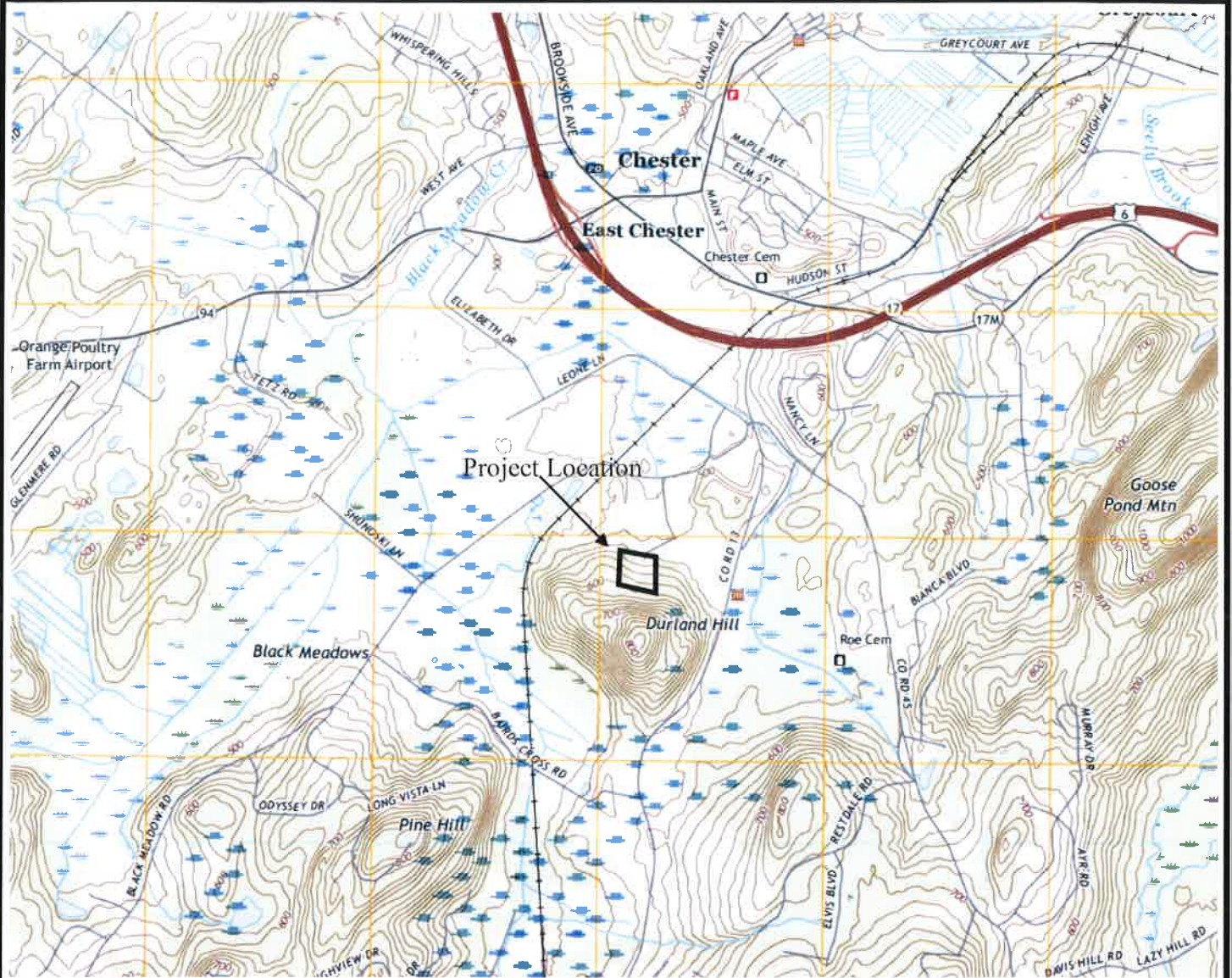
Pursuant to your request, North Country Ecological Services, Inc. (NCES) completed an ecological assessment of the above-referenced property in search of habitats that would be deemed conducive to the existence of the federally-listed Endangered, Threatened, and/or Rare (ETR) species of flora and fauna. Species were listed by the United States Fish and Wildlife Service (USFWS) in their December 13, 2022 correspondence to NCES. The New York State Dept. of Environmental Conservation (DEC) Environmental Resource Mapper (ERM) was consulted by the project engineer for species and community types of concern. The ERM listed the Bog turtle, Timber rattlesnake, Northern Long-eared bat and Rock summit grassland as potential species and community types that could occupy the property, based on its general geographic location. The USFWS response letter indicated that the Indiana bat, Northern long-eared bat, Bog turtle, and Small whorled pogonia have the potential to found on the property, based on its geographic location. The USFWS also listed the Monarch butterfly, which is only a "Candidate" species, and not Endangered or Threatened at this time.

Based on the information from the USFWS and DEC, a field visit was warranted to determine if the site could support the species listed, and if the community types existed on/or near the subject property.

***Site Location & Description***

The subject property is located along the western side of Elkay Drive, approximately 1,287± feet south of the intersection of Elkay Drive and Black Meadow Road, in the Town of Chester, Orange County, New York (Figure 1). The centralized coordinates are 41° 20' 26.30" (41.341) N Latitude and 74° 16' 51.85" (-74.281) W Longitude. The Tax Map ID of the parcel is 6-1-69.3.

The property can be described as a vacant and fallow property. The northern half of the property contains sporadic mid-successional aged trees and shrubs. The remainder, majority of the southern half of the property, consists of successional fallow field.



CONTOUR INTERVAL 20 FEET  
NORTH AMERICAN VERTICAL DATUM OF 1988

This map was produced to conform with the  
National Geospatial Program US Topo Product Standards, 2011  
A metadata file associated with this product is draft version 0.6.18



QUADRANGLE LOCATION

1	2	3
4	5	6
7	8	

ADJACENT QUADRANGLES

Base Map: USGS Warwick 7.5' Quadrangle, Orange County, N.Y.

Scale: 1: 24,000



Figure 1 – Site Location Map

Based on the definitions presented in the *Ecological Communities of New York State* (Edinger, 2014) the following ecological community has been identified on the property:

- Successional old field (Edinger)

The entire area of review consisted of grasses, Forbes, shrubs and a few small diameter trees. This suggests that the property was once used for agricultural purposes or cleared within the past 10-20 years. The approximate location and configuration of the ecological community types identified on the property are shown on the Vegetative Cover Types graphic (Figure 2).

Land use surrounding the property consists of undeveloped forested land found to the south, on Durland Hill. Several commercial buildings, within an existing business park, are found to the north along Elkay Drive and Black Meadow Road. The lands to the east and west have been developed as well. Photographs of the property, that were taken during the field assessment to document the existing conditions observed, are attached for your reference.

### ***Existing Conditions***

#### **Soils**

According to the USDA Natural Resources Conservation Service Web Soil Survey 3.2 for Orange County, New York (the "Soil Survey"), one (1) soil type Mardin gravelly silt loam, with 8 to 15 percent slopes (MdC) is found within the boundaries of the subject property (Figure 3). A description of this soil type, was obtained directly from the Soil Survey and is provided below:

The Soil Survey describes Mardin gravelly silt loam (MdC), as being a deep, moderately well-drained, sloping soil that formed in glacial till deposits derived from sandstone, shale, and slate. Areas commonly receive runoff from higher adjacent soils. This soil type has a dense fragipan in the lower part of the subsoil. Areas of this soil type are located on valley sides, hillsides, and ridges found in uplands. Included with this soil in mapping are small areas of the somewhat poorly-drained Erie soils, found on foot slopes and along drainageways. Also included are well-drained Bath soils that are located on higher knolls and ridges. The water table is perched above the fragipan in early spring and in other wet periods. The permeability is moderate in the surface layer and upper part of the subsoil and is slow or very slow in the pan and substratum. The available water capacity is moderate to low, and runoff is medium.

#### **Vegetation**

During the ecological review, NCES identified one (1) ecological community within the boundaries of the property. This ecological community is Successional old field. As previously stated, it appears that the land was once used for agricultural purposes and has gone fallow. Some semi-mature trees are present along the northern and western property line, these trees are semi-





### Legend

SOF – Successional old field

Base Map: DEC Environmental Resource Mapper Aerial Image

Scale: None



FIGURE 2 – Vegetative Cover Types



Natural Resources  
Conservation Service

### SOILS LEGEND

Mdc – Mardin gravelly silt loam, with 8 to 15 percent slopes

Base Map: Web Soil Survey 3.2 – Orange County Soil Survey, N.Y.

Scale: 1: 1,500



FIGURE 3 – Soil Survey Map

mature and were in good physical condition and did not possess the physical characteristics that would characterize them as potential summer roost trees for bats.

The dominant species of vegetation observed within each of the ecological communities identified are listed below:

The dominant species of vegetation observed within the Successional old field ecological community include, but are not limited to: white pine (*Pinus strobus*), trembling aspen (*Populus tremuloides*), red maple (*Acer rubrum*), eastern cottonwood (*Populus deltoides*), pin oak (*Quercus palustris*), white ash (*Fraxinus americana*), tree-of-heaven (*Ailanthus altissima*), oriental bittersweet (*Celastris orbiculata*), red cedar (*Acrocarpus fraxinifolius*), common buckthorn (*Rhamnus cathartica*), tatarian honeysuckle (*Lonicera tatarica*), autumn olive (*Elaeagnus umbellata*), silky dogwood (*Cornus amomum*), gray dogwood (*Cornus racemosa*), common barberry (*Berberis vulgaris*), common reed (*Phragmites australis*), multiflora rose (*Rosa multiflora*), black raspberry (*Rubus occidentalis*), wild carrot (*Daucus carota*), grape (*Vitis* spp.), garlic mustard (*Allaria petiolata*), common cinquefoil (*Potentilla simplex*), common milkweed (*Asclepias syriaca*), early goldenrod (*Solidago gigantea*), and Canada goldenrod (*Solidago canadensis*).

The Endangered & Threatened Species Ecological Review included the following activities:

- 1) An in-house review of the USFWS IPaC website and the DEC's ERM. NCES submitted a request for listed species and community types to the DEC Natural Heritage Office for the site on November 2, 2022 and the formal response has not been issued as of the date of this report. However, the information from the ERM should be consistent with the Natural Heritage Office's response.
- 2) An on-site field review of the existing ecological communities, habitats and indigenous flora/fauna present within the project area to determine the likelihood of endangered, threatened and/or rare species presence.

The information obtained from the USFWS and DEC identifies that the following species have the potential to be present at, or within the immediate vicinity, of the subject property:

- Bog Turtle (*Glyptemys muhlenbergii*) – State Endangered and Federally Threatened
- Timber Rattlesnake (*Crotalus horridus*) – State Threatened and Federally not listed
- Northern Long-eared Bat (*Myotis septentrionalis*) – State and Federally Endangered
- Indiana Bat (*Myotis sodalis*) – State and Federally listed Endangered
- Small Whorled Pogonia (*Isotria medeoloides*) – State Endangered and Federally Threatened
- Rock Summit Grassland – Community Type

There were no Critical Habitats identified within the property boundaries by the USFWS. The correspondence from the USFWS is attached for reference.

The information provided by the USFWS was not accompanied by any information detailing the approximate locations of the species or their associated habitats. The information does however specify that the Monarch Butterfly is a “Candidate Species” only. Candidate Species are defined by the USFWS as “plants and animals for which the U.S. Fish and Wildlife Service (FWS) has sufficient information on their biological status and threats to propose them as endangered or threatened under the Endangered Species Act (ESA)”. However, it is also stated that currently, “Candidate Species receive no statutory protection under the ESA”.

On December 5, 2022, NCES visited the property and conducted an assessment of the vegetative community types and species habitats within the boundaries of the subject property. During the assessment, NCES walked the entire site to assess the existing conditions, identify the individual ecological community types, and to document the species of flora and fauna. In addition, NCES actively searched for ETR species, as well as for habitats that would be deemed conducive to the presence of those species documented by the USFWS consultations.

### ***Endangered/Threatened Species Field Assessment***

To complete the assessment, NCES utilized opportunistic visual survey methodologies as well as cover object search techniques. During the assessment, NCES compiled separate lists of the species of flora and fauna that were observed.

Specific habitat assessments for those species referenced by the agency consultations are provided below:

### **Bog Turtle Habitat Assessment**

NCES conducted a Phase 1 Habitat Evaluation Assessment for the Bog Turtle (*Glyptemys muhlenbergii*) habitat utilizing the information contained within Guidelines for Bog Turtle Surveys (last revised April 2020), as contained within the “Bog Turtle Northern Population Recovery Plan” (USFWS, 2001) (the “BTNPRP”). According to the BTNPRP, suitable habitat for Bog Turtles includes Palustrine emergent or scrub-shrub wetlands that contain the following three criteria:

- 1) Suitable hydrology – characterized as “...Typically spring fed with shallow surface water or saturated soils present year-round...”, “interspersed with dry and wet pockets...”, “...sub-surface flow”, and “...shallow rivulets (less than 4 inches deep) or pseudo rivulets are often present.”
- 2) Suitable soils – characterized as “... a bottom substrate of permanently saturated organic or mineral soils.” “These are often soft, mucky-like soils; you will usually sink to your



- 3) ankles (3-5 inches) or deeper in muck, although in degraded wetlands or summers of dry years this may be limited to areas near spring heads or drainage ditches.” “In some portions of the species range, the soft substrate consists of scattered pockets of peat instead of muck.”
- 4) Suitable vegetation – characterized as “dominant vegetation of low grasses and sedges (in emergent wetlands), often with a scrub shrub component.” “Common emergent vegetation includes, but is not limited to tussock sedge (*Carex stricta*), soft rush (*Juncus effusus*), rice cut grass (*Leersia oryzoides*), sensitive fern (*Onoclea sensibilis*), tearthumb (*Polygonum* spp.), jewelweed (*Impatiens capensis*), arrowheads (*Sagittaria* spp.), skunk cabbage (*Symplocarpus foetidus*), panic grasses (*Panicum* spp.), other sedges (*Carex* spp.), spike rushes (*Eleocharis* spp.), grass-of-Parnassus (*Parnassia glauca*), shrubby cinquefoil (*Dasiphora fruticosa*), sweet flag (*Acorus calamus*), and in disturbed sites, reed canary grass (*Phalaris arundinacea*) and purple loosestrife (*Lythrum salicaria*).” Common scrub-shrub species include alder (*Alnus* spp.), red maple (*Acer rubrum*), willow (*Salix* spp), tamarack (*Larix laricina*), and in disturbed sites, multiflora rose (*Rosa multiflora*). “Some forested wetland habitats are suitable, given hydrology, soils, and/or historic land use. These include red maple, tamarack, and cedar swamps.”

During the Phase I Habitat Evaluation, the biologists from NCES traversed the Site and assessed the property for aquatic resources that exhibit the three characteristic criteria of suitable Bog Turtle habitat.

There were no wetlands of any community type identified within the boundaries of the property. Therefore, there is no potential for Bog Turtles to occupy the property. No wetlands were observed adjacent to the property.

### **Timber Rattlesnake Habitat Assessment**

NCES completed a review of the project area for the presence of habitat suitable for use by Timber Rattlesnakes, (*Crotalus horridus*). The Timber Rattlesnake is a NYS Threatened species and an unlisted species by the U.S. Fish & Wildlife Service (USFWS). NCES uses the survey guidelines established by the DEC - *Guidelines for Reviewing Projects for Potential Impacts to the Timber Rattlesnake* (DEC, 2009) to conduct habitat, and presence/absence surveys. Timber Rattlesnakes are generally located in deciduous upland forests, in rugged terrain, and most are associated with rock outcrops, steep ledges and talus slopes (Harding, 1997).

NCES completed the habitat assessment for this species following the protocols issued by the DEC within the *Guidelines for Reviewing Projects for Potential Impacts to the Timber Rattlesnake* (DEC, 2009). Specifically, the Guidelines Document states that "Due to the species' large home range and multiple habitat requirements a habitat assessment should be conducted to determine the presence of suitable basking, foraging, gestating and denning habitat or potential travel corridors within the project boundaries". As a result, during the ecological reviews, NCES traversed the entire property



and searched for habitat that would be conducive to basking and foraging activities. In addition, NCES searched for potential den sites and did not find any.

As a result of the review, it was determined by NCES that no basking, foraging, and shedding habitat is present on the property. This determination is based on the presence of a thick overstory of shrubs and grasses that create a very shaded environment. No open meadows or exposed rock outcrops or Tallas slopes were observed. As stated previously, the land area appears to have been previously in agricultural use, and/or cleared within the past 20 years. The property contains a dense growth of grasses and Forbes as well as shrub community. Trees are located sporadically throughout the interior of the property, and more concentrated along the northern property line.

Timber Rattlesnakes may travel through the area, but the area would not be considered optimal habitat for the species based on the density of trees and shrubs. Should the area be proposed for development, further consultation with the DEC regarding Timber Rattlesnakes is recommended.

#### **Northern Long-eared & Indiana Bat Habitat Assessment**

The Northern Long-eared Bat (*Myotis septentrionalis*) and Indiana Bat (*Myotis sodalists*) are State and Federally Endangered species. The agencies identified that the two bat species may occupy the property solely based on the project's location within a general geographic area where the bats have been previously documented. To conduct the bat habitat assessment, NCES reviewed the property for trees that exhibit the characteristics of potential summer roosting sites, as well as for suitable foraging habitat. NCES also searched for any caves, mines, or other man-made structures that could be used as roosts, or as an over-wintering hibernaculum. NCES conducted the habitat analysis following the recommended procedures and protocols as outlined in the "Range-Wide Indiana Bat Survey Guidelines" provided by the USFWS.

According to the USFWS, suitable, potential summer habitat is characterized as forested communities that possess live and dead trees with "loose bark, cavities or crevices" as well as within "...cooler places like caves and mines". These bats have also been reported to be found roosting in "structures like barns and sheds". Wintering habitat is defined as being within "caves and mines" that possess "large passages and entrances; constant temperatures; and high humidity with no air currents". Potential foraging habitat for the Northern Long-eared bat is defined as "...understory of forested hillsides and ridges". This bat species is also known to glean "motionless insects from vegetation and water surfaces".

During the site assessment, no trees were identified that exhibit the characteristics of summer roost trees. The trees noted were young in age, or were in a condition that did not contain the physical characteristics of summer roost trees.

Suitable foraging habitat for bats was identified during the assessment, as well as within the adjacent properties. Foraging habitat is comprised of various habitats that are relatively common within the general geographic region and include the canopy of the forested uplands, over wetland

communities, along riparian corridors, edge habitats of fields, and also within the adjacent residential and commercially developed properties. Foraging habitat is widespread throughout the area as the bats are not too selective as to where they go to find food.

### **Small Whorled Pogonia Assessment**

Small whorled pogonia is a perennial wildflower that possesses 1 or 2 yellowish flowers found on a stem that rises above a whorl of 5 or 6 green leaves (Niering and Olmstead, 1979). This plant is a member of the Orchid family (Britton and Brown, 1970). Small whorled pogonia grows to a height of only 4 to 10 inches (Niering and Olmstead, 1979). Small whorled pogonia is typically found in moist woods and flowers in May-July (Newcomb, 1977).

According to information provided by the USFWS website, "Small whorled pogonia can be limited by shade. The species seems to require small light gaps, or canopy breaks, and generally grows in areas with sparse to moderate ground cover." In addition, the USFWS also indicates that the "...orchid typically grows under canopies that are relatively open or near features that create long-persisting breaks in the forest canopy such as a road or a stream. It grows in mixed-deciduous or mixed-deciduous/coniferous forests that are generally in second or third growth successional stages."

During the site assessment, no Small Whorled Pogonia plants were identified. While this plant typically blooms in mid-June (Britton and Brown, 1970), the plant possesses a seed stalk and capsule, which are identifiable until seed dispersal in mid-October (Mass, ESP, 1993). Based upon the existing conditions observed, the property does not contain suitable habitat that is associated with Small Whorled Pogonia. The ecological communities present at the property do not present conditions that are conducive to the existence of the species.

### **Rocky Summit Grassland**

According to the DEC Natural Heritage Program, Rocky Summit Grassland is "A grassland community that occurs on rocky summits, ridges, and exposed outcrops. The vegetation is dominated by herbaceous plants, especially grasses. Woody species, such as red oak (*Quercus rubra*) and lowbush blueberry (*Vaccinium pallidum*, *V. angustifolium*), are sparse, and may be present near the community margins (Edinger et al. 2002)."

"Rocky summit grasslands occur on rocky outcrops and summits with thin soils, and are dominated by grass species such as little bluestem (*Schizachyrium scoparium*), tufted hairgrass (*Deschampsia flexuosa*), poverty-grass (*Danthonia spicata*, *D. compressa*), and Indian grass (*Sorghastrum nutans*). Also common are Pennsylvania sedge (*Carex pensylvanica*), ebony spleenwort (*Asplenium platyneuron*), and fragrant goldenrod (*Solidago odora*)."

As a result of the field review, the subject property does not contain the physical characteristics to be classified as a Rocky Summit Grassland, nor do the lands immediately adjacent to it. The property consists of fallow, previously cleared/utilized lands, and it possesses trees and shrubs typically found in lowlands and former farm communities. Rocky Summit Grassland may be found at the summit of Durland Hill, but that was not confirmed during the field review, and none exists at its lower elevation where the proposed project is located.

### **Other Sensitive Species and Habitats**

During the review, NCES did not observe any endangered or threatened species on the property. In addition, NCES did not identify any Species of Special Concern, or otherwise considered rare, as identified by the *New York Rare Animal* and/or *New York Rare Plant Lists* that have been established by the DEC. During the review, no ecologically significant or otherwise unique habitats were documented on, or immediately adjacent to, the property.

### **Conclusion**

During the review, no endangered, threatened, or rare species of flora/fauna were observed. In addition, no significant ecological communities or otherwise rare/unique habitats were identified on, or immediately adjacent to, the subject property. The property is a combination of undeveloped grassy old field and scrub/shrub field with a wooded periphery. The species composition, community type structure, and character of the site suggests it was farmed or cleared possibly 10-20 years ago and has remained fallow since then. The on-site habitats are common within the general geographic region and are bordered by commercial development and undeveloped forest.

If you have any questions regarding this evaluation, please do not hesitate to contact NCES at any time.

Sincerely,

**North Country Ecological Services, Inc.**

Stephen P. George, PWS  
President

Attachments



**Photograph 1)** View looking north towards Elkay Drive. The subject property is to the left in the photograph.



**Photograph 2)** View looking west at the northern portion of the property and property boundary.





**Photograph 3)** View of the northern edge of the property along Elkay Drive.



**Photograph 4)** View looking west at the wooded portion of the property.





**Photograph 5)** View looking northeast at the dense shrub component within the property.



**Photograph 6)** View looking at the dense shrub component of the Successional old field habitat.





**Photograph 7)** View looking east at the successional old field/fallow field community type found throughout the property.



**Photograph 8)** View looking northeast at the grassy field found throughout the property.



**Photograph 9)** View looking south at the grassy field while looking toward Durland Hill.



**Photograph 10)** View looking northwest at the Successional old field.





**Photograph 11)** View looking north at the Successional old field and a few small diameter poplar trees.



**Photograph 12)** View looking northwest and toward Elkay Drive from the interior of the property.



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385  
Phone: (607) 753-9334 Fax: (607) 753-9699  
Email Address: [fw5es\\_nyfo@fws.gov](mailto:fw5es_nyfo@fws.gov)



In Reply Refer To:

December 13, 2022

Project Code: 2023-0024569

Project Name: Elkay Drive Commercial Bldg.

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.**

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Attachment(s):

- Official Species List



## 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 Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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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
Indiana Bat <i>Myotis sodalis</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Endangered

## Reptiles

NAME	STATUS
Bog Turtle <i>Glyptemys muhlenbergii</i> Population: Wherever found, except GA, NC, SC, TN, VA No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6962">https://ecos.fws.gov/ecp/species/6962</a>	Threatened

## Insects

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

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## Flowering Plants

NAME	STATUS
Small Whorled Pogonia <i>Isotria medeoloides</i> Population: No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1890">https://ecos.fws.gov/ecp/species/1890</a>	Threatened

## Critical habitats

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

**IPaC User Contact Information**

Agency: North Country Ecological Services, Inc.  
Name: Stephen George  
Address: 25 West Fulton Street  
Address Line 2: Suite 3  
City: Gloversville  
State: NY  
Zip: 12078  
Email: capt.stephen1007@gmail.com  
Phone: 5185276175

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## Official Species List

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

This species list is provided by:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

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NCES &lt;northcountryeco@gmail.com&gt;

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**Confirmation of your submitted request to New York Natural Heritage**1 message

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**naturalheritage@nynhp.org** <naturalheritage@nynhp.org>  
To: northcountryeco@gmail.com

Wed, Nov 2, 2022 at 3:20 PM

Submission ID: 7539  
Submitted on Wednesday, November 2, 2022 - 15:20  
Submitted values are:

Company, Organization, or Agency: North Country Ecological Services, Inc.  
Requestor Name: Stephen P. George  
Requestor Address (Street/PO Box): 25 West Fulton Street  
Requestor City: Gloversville  
Requestor State: New York  
Requestor Zip Code: 12078  
Requestor Telephone #: (518) 725 - 1007  
Requestor Email: [northcountryeco@gmail.com](mailto:northcountryeco@gmail.com)  
Project Type: industrial development  
Project Name: Elkay Drive  
Project Applicant: Moses Landau  
Project County:

Project Summary: This project is for a proposed industrial light building with loading docks and parking. We have been contracted to assess the site for potential environmental impacts of the project.

Current Land Use: The site consists of undeveloped land, commercial and industrial development to the north, agricultural fields to the south and west, and NYS Route 13 to the east.

Tax parcel number:

Latitude: 41°20'26.36" N

Longitude: 74°16'50.36" W

Street Address and City of Project: Elkay Drive, Chester, NYIf you are submitting a map, this field is optional.

Project Notes: