

October 11, 2019

Mr. Joe Pfau, P.E.
Pietrzak and Pfau Engineering and Surveying, PLLC
262 Greenwich Avenue – Suite A
Goshen, New York 10924

***Re: Endangered and Threatened Species Assessment
Meadow Hill 3 Lot Subdivision
Town of Chester, Orange County, New York***

Dear Mr. Pfau:

Pursuant to your request, and as required for compliance with the New York State Environmental Quality Review Act (SEQRA) procedures associated with the residential subdivision being proposed, North Country Ecological Services, Inc. (NCES) completed an ecological assessment of the above-referenced property in search of habitats that would be conducive to the existence of state and/or federally-listed Endangered, Threatened and/or Rare (ETR) species of flora and fauna. In addition, NCES also assessed the property for the presence of individual ETR species and/or significant ecological communities that were identified by direct consultation with the New York State Department of Environmental Conservation Natural Heritage Office (DECNHO) and the United States Fish and Wildlife Service (USFWS). The ecological assessment included the following:

- 1) An in-house review of literature sources and direct consultations with regulatory agencies regarding records of known occurrences of state and/or federally listed endangered, threatened or rare species of flora and fauna for the subject property and surrounding area.
- 2) An on-site field review of the existing ecological communities, habitats and indigenous flora/fauna present within the boundaries of the property to determine the likelihood of endangered, threatened, and/or rare species presence.

To initiate the in-house review, NCES consulted directly with the DECNHO and the USFWS to obtain information relative to known records of occurrence of ETR species of flora/fauna on and within the immediate vicinity of the property. In addition, information pertaining to the potential for presence of significant ecological community types or other sensitive habitats that are found within the immediate geographic area of the property was requested. Copies of the response letters that were issued by the agencies are attached for reference.

According to the response obtained from the DEC/NHO, the Natural Heritage Database possesses three (3) records "...of rare or state-listed animals and plants, and significant natural communities that our database indicates occur in the vicinity of the project site." More specifically, the Natural Heritage Database references the following species and ecological communities as being present within the vicinity of the subject property:

- Northern Long-eared Bat (*Myotis septentrionalis*) - State & Federally Threatened
- Chestnut Oak Forest - un-protected ecological community
- Appalachian Oak-Hickory Forest - un-protected ecological community

The information provided by the DEC/NHO states that Northern Long-eared Bats have "...been documented within 2.5 miles of the project site." According to Natural Heritage Staff and DEC Regional Biologists, "...individual animals may travel 5 miles from documented locations." The DEC/NHO response also states that "For most sites comprehensive field surveys have not been conducted" and that "We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species..."

With regard to the Chestnut Oak and Appalachian Oak-Hickory Forest communities, the DEC/NHO references that these are upland, terrestrial habitats, that are a "high quality occurrence" of ecological communities documented within the southern region of New York State. The New York Natural Heritage Program identifies each of these communities as being non-listed and un-protected. Both of these ecological communities possess a State Conservation Status Ranking of S4, meaning that they are "Apparently Secure in New York - Uncommon in New York, but not rare; usually wide spread..."

According to the DEC/NHO response, an occurrence of a Chestnut Oak Forest community has been documented within 0.3 miles south of the subject property. The response states that it is a "...large community in an excellent and protected landscape". The DEC/NHO also indicates that an Appalachian Oak-Hickory Forest community exists within 0.5 miles to the south of the site. This community is identified by Natural Heritage staff as being a "...very large example of this community in a large forested landscape with relatively few roads."

Subsequent to the consultation with the USFWS District Office in Cortland, New York, NCES was directed to review the USFWS website for supplemental information on federally-listed ETR species and ecologically significant habitats. The information obtained from the USFWS website (dated September 25, 2019) indicates that, based on documented records of occurrence, the following species have the potential to be present at, or within the immediate vicinity, of the subject property:

- Northern Long-eared Bat (*Myotis septentrionalis*) - State & Federally Threatened
- Indiana Bat (*Myotis sodalis*) - State & Federally Endangered
- Bog Turtle (*Glyptemys muhlenbergii*) - State & Federally Endangered
- Small Whorled Pogonia (*Isotria medeoloides*) - Federally Threatened

The information from the USFWS was not accompanied by any supporting information detailing approximate locations of the federally-listed species or their associated habitats. As a result, the information provided is not intended to be project or site specific, as (according to the USFWS Staff) detailed information identifying precise locations of federally protected species is to remain confidential. However, based on the information provided, the speculated presence of the species referenced in the consultation process is recognized by the USFWS given extant populations and/or previously (historic) recorded occurrences of them within Orange County, New York.

As a result of the in-house review, it was determined by NCES that an a field review of the subject property was warranted. During the Spring and Summer of 2019 (April to August), NCES visited the site on several occasions and conducted field assessments of the property. During the assessments, NCES reviewed the entire parcel to identify the individual ecological community types present and to document the overall ecological condition of the site. During the reviews, NCES actively searched the existing community types for the species referenced by the agency consultations as well as for specific habitats that would be deemed conducive to their existence. NCES also reviewed the property for other unique communities and/or rare species of flora and fauna that were not specifically referenced by the regulatory agencies. As a result of the reviews, NCES offers the following information:

Site Location & Description

The Site is located along Camp Monroe Road in the Town of Chester, Orange County, New York (Figure 1). The property is bordered by Pickerel Road to the east and Trout Brook Road to the west. The subject parcel is identified on the Monroe USGS 7.5' Quadrangle map. The centralized coordinates of the site are 41° 23' 0.0" N Latitude and 74° 21' 47.7" W Longitude. The Tax Map ID of the property is Section 15, Block 1, Lot 29 and it is 4.8± acres in size.

The site can be generally described as an undeveloped, fallow, forested parcel of land. The forested community possesses larger, semi-mature species of oaks, hickories, and maples and lacks a defined understory. This condition suggests that the property was cleared more than 40± years ago and is heavily browsed by deer.

No vegetated wetland communities were documented within the boundaries of the site. However, a defined, un-named tributary of Trout Brook extends west to east through the northern portion of the property. This stream enters the site from a culvert located under Pickerel Road and exists through a culvert located under trout Brook Road.

Based on the definitions presented in the *Ecological Communities of New York State* (Edinger, 2014) and *Classification of Wetlands and Deepwater Habitats of the United States* (Cowardin, 1979), the following ecological communities have been identified on the property:

- Successional Hardwood Forest (Edinger)
- Rocky Headwater Stream

**The aquatic ecological communities defined by Edinger are the same as the wetland communities defined by Cowardin.

Land use surrounding the property consists of single-family residential development, a solar farm, and undeveloped forested land. Several single-family residences border the property to the east and west, along Trout Brook, Pickerel and Lakes Roads. A solar farm exists further to the east, on the eastern side of Lakes Road. Undeveloped forested land borders the site to the south. Photographs of the property, taken during the ecological assessment to document the existing conditions observed, are attached for 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"), two (2) different soil series were identified on the site. These soil types include: Mardin gravelly silt loam, with 8 to 15 percent slopes (MdC) and Riverhead sandy loam, with 3 to 15 percent slopes (RhB & RhC) (Figure 2). Descriptions of each soil type that are obtained directly from the Soil Survey, are as follows:

The Soil Survey describes Mardin gravelly silt loam (MdC), as 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. It is on valley sides, hillsides, and ridges in uplands. Included with this soil in mapping are small areas of the somewhat poorly drained Erie soils on foot slopes and along drainageways. Also included are well-drained Bath soils on a few higher knolls and ridges. The water table is perched above the fragipan in early in 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.

The Soil Survey describes Riverhead sandy loam, 3 to 8 percent slopes (RhB), as a deep, well drained, gently sloping soil, which formed in glacial outwash deposits that are dominantly sand and gravel. Areas of this soil type are located on valley terraces and undulating plains. Individual areas range from 5 to 15 acres in size and are generally oval in shape. Depth to the water table in this Riverhead soil is usually more than 6 feet. The permeability is moderately rapid in the surface layer and subsoil and very rapid in the substratum. The available water capacity is moderate, and runoff is medium. In un-limed areas, the surface layer is strongly acid or very strongly acid.

The Soil Survey describes Riverhead sandy loam, 8 to 15 percent slopes (RhC), as a deep, well drained, sloping soil, which formed in glacial outwash deposits that are dominantly sand and gravel. Included with this soil in mapping are small areas where depth to the stratified sand and gravel substratum is more than 40 inches. In a few areas the surface layer is gravelly or very gravelly. Depth to the water table in this Riverhead soil is usually more than 6 feet. The permeability is moderately rapid in the surface layer and subsoil and very rapid in the substratum. The available water capacity is moderate, and runoff is medium. In un-limed areas, the surface layer is strongly acid or very strongly acid.

Vegetation

During the review, NCES identified two (2) different ecological communities within the boundaries of the site. These ecological communities include: Successional Hardwood Forest, and Rocky Headwater Stream. The Rocky Headwater Stream is void of any vegetation within the defined streambanks. It is bordered by Successional Hardwood Forest on both sides.

The dominant species of vegetation observed within the Successional Hardwood Forest ecological community included, but are not limited to: red oak (*Quercus rubra*), white ash (*Fraxinus americana*), black oak (*Quercus velutina*), sugar maple (*Acer saccharum*), black birch (*Betula nigra*), black cherry (*Prunus serotina*), pignut hickory (*Carya glabra*), shagbark hickory (*Carya ovata*), American beech (*Fagus grandifolia*), red cedar (*Juniperus virginiana*), hop hornbeam (*Ostrya virginiana*), buckthorn (*Rhamnus cathartica*), tatarian honeysuckle (*Lonicera tatarica*), multiflora rose (*Rosa multiflora*), Japanese barberry (*Berberis thunbergii*), poison ivy (*Toxicodendron radicans*), Virginia creeper (*Parthenocissus quiquefolia*), garlic mustard (*Alliaria officinalis*), Virginia knotweed (*Persicaria virginiana*) and common blue violet (*Viola sororia*).

Endangered/Threatened Species Assessment

As previously stated, NCES visited the site on several occasions between April and August of 2019 and searched the property for the referenced ETR species, as well as habitat types that would be deemed conducive to rare species inhabitation. To complete the field surveys, NCES utilized opportunistic visual survey methodologies, cover object search techniques, and auditory monitoring. NCES visually searched each of the ecological communities and assessed general condition and species presence. Where logs, rocks or other natural debris were found, NCES physically moved/lifted the debris to search for species. NCES documented species present by sight, sound, and/or physical remains (tracks, scat, feathers, etc.). Specific assessments for the agency-listed species are provided below:

Indiana and Northern Long-eared Bat Habitat Assessment

NCES reviewed the property in search of habitats that exhibit the criteria for potential summer roosting sites and suitable foraging habitat for the Indiana and Northern Long-eared Bat. NCES also searched for any caves, mines or other man-made structures that could be used as a potential roost or as an over-wintering hibernaculum. NCES utilized information obtained from the USFWS, including the "*Indiana Bat Project Review Fact Sheet*" and the "*Northern Long-eared Bat Fact Sheet*", which defines criteria of potential habitat for both species of bats. Being that Indiana and Northern Long-eared Bats occupy similar habitats, NCES conducted the habitat analysis following the recommended procedures outlined by the USFWS and DEC protocols for Indiana Bat surveys.

According to the DEC and the USFWS, suitable, potential Indiana Bat summer roosting habitats are characterized as "...trees (dead, dying, or alive) or snags, greater than or equal to 5 inches in diameter at breast height (dbh), with exfoliating or defoliating bark, or containing cracks, crevices, or holes that could potentially be used by Indiana Bats as a roost". Maternal colonies "generally use trees greater than or equal to 9 inches dbh." In addition, "structure appears to be more important than a particular tree species or habitat type." It is also documented that due to the fact that roosting sites are "warmed by direct exposure to solar radiation, trees exposed to extended periods of direct sunlight are preferred over those in shaded areas."

Potential foraging habitat for the Indiana Bat is defined as "...streams, associated floodplain forests, and impounded water bodies (ponds, wetlands, reservoirs) ..." along with "canopies of upland forests, clearings with early successional vegetation, borders of croplands, along wooded fence rows, and over farm ponds in pastures". The USFWS also state that "while Indiana Bats appear to forage in a wide variety of habitats, they seem to tend to stay close to tree cover" and that "Indiana bats may fly up to 2-5 miles from upland roosts" to forage and/or locate new roost sites.

According to the USFWS, suitable, potential Northern Long-eared Bat summer habitats are 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". Northern Long-eared Bats are known to roost independently or within colonies. Wintering habitat for the Northern Long-eared Bat 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".

Based on the information provided, NCES conducted a review of the property for potential summer roosting habitat and general foraging habitat that would be suitable for use by Indiana and/or Northern Long-eared Bats. As a result of the review, NCES did identify trees that exhibited the characteristics of suitable roosting habitat. These trees possess exfoliating or defoliating bark, cracks, holes, or crevices and included numerous shagbark hickories (*Carya ovata*), dead/damaged ash (*Fraxinus spp.*) and elms (*Ulmus americana*), and wind/insect damaged oak (*Quercus spp.*), and maples (*Acer spp.*). These trees are scattered throughout the forested communities and are not confined to any one location on the property. During the site assessments, no caves, mines or other man-made structures were identified that could be construed as potential over-wintering habitat.

Potential foraging habitat for both species of bats was found on the property. The foraging habitat can be construed as the entire property, as it is comprised of forested communities. Potential foraging habitat consists of a variety of different wooded and open cover types that are very common throughout the geographic region. Therefore, it should be noted that sufficient habitat exists in the vicinity of the Site that would sustain healthy populations of a variety of species of bats in the event of displacement.

Despite suitable roosting and foraging habitat being documented on the site, NCES did not conduct any specific presence/absence (acoustical monitoring or mist net) surveys. Instead of conducting these surveys, presence of both species of bats was simply assumed and it was determined that appropriate measures (including a time-of-year restriction on clearing trees, as suggested by the USFWS and DEC) would be incorporated into the project design to avoid any direct impact to listed bat species. As a result, it was determined that presence/absence surveys were not warranted.

Bog Turtle Phase 1 Habitat Assessment

NCES completed a Phase 1 assessment for potential Bog Turtle habitat following the guidelines presented in Appendix B – *Guidelines for Bog Turtle Surveys* (last revised April 2006) as contained within the U.S. Fish and Wildlife Services “Bog Turtle Northern Population Recovery Plan” (Klemens, 2001) (the “BTNPRP”). According to the BTNPRP, potential and suitable habitat for bog turtles includes Palustrine emergent or scrub-shrub wetlands that contain a relatively open canopy, and 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 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.”
- 3) 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 areas 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 ecological reviews, NCES evaluated the property for potential Bog Turtle habitat. No wetlands are found within the boundaries of the site. Given the complete lack of suitable soils, appropriate hydrophytic vegetation, and ground water derived hydrology, it was determined by NCES that the property does not possess potential/suitable habitat for Bog Turtles.

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), NCES did not observe any on-site when it would be most easily recognizable. The plant possesses a seed stalk and capsule, which are identifiable until seed dispersal in mid-October (Mass, ESP, 1993). Therefore, during the August surveys, the plant would still have been recognizable after the blooming period. Based on the existing conditions observed, the Site does not contain the preferred habitat type that is typically associated with small whorled pogonia. The ecological communities present at the property do not present optimal conditions that are conducive to the existence of the species.

Chestnut Oak and Appalachian Oak-Hickory Forest Assessment

During the site assessments, NCES reviewed the subject property for the presence of Chestnut Oak Forest and/or Appalachian Oak Hickory Forest communities. NCES completed the evaluation for these specific forest communities based on the formal definitions of each, as provided within the *Ecological Communities of New York State* (Edinger, 2014). As a result of the assessments, it was determined by NCES that neither Chestnut Oak Forest or Appalachian Oak Hickory Forest are found on the site.

Individual specimens of select tree species that are associated with these communities such as chestnut oak (*Quercus montana*), black oak, and hickory, were identified on the property. However, while individuals of these tree species were documented, they are not present at a density that would constitute a forest community matching the definitions provided within the *Ecological Communities of New York State* (Edinger, 2014). It is

typical to find individual tree species of such communities on lands that border or are on the fringe of such communities. It is assumed that because these specific communities are found in higher elevations in relatively close proximity to the subject property, individuals of species related with these communities would be present on adjacent lands in forested upland areas.

The Chestnut Oak Forest and the Appalachian Oak Hickory Forest are not communities that are protected by either the State or Federal governments. The Chestnut Oak community possesses a State Conservation Status Rank of S4 and a Global Conservation Status Rank of G5. The Appalachian Oak Hickory Forest community possesses a State Conservation Status Rank of S4 and a Global Conservation Status Rank of G4/G5. Consequently, according to the New York Natural Heritage Program, both of these communities are “Apparently Secure in New York – Uncommon in New York but not rare; usually widespread” and “Apparently or Demonstrably Secure globally – Uncommon to common in the world, but not rare; usually widespread”.

Other Sensitive Species and Habitats

During the reviews, NCES did not observe any endangered or threatened species (as classified by the USFWS or DEC/NHO) on the property. Additionally, NCES did not identify any Species of Special Concern, or otherwise considered rare, according the *New York Rare Animal and Rare Plant Lists* as established by the DEC. The existing ecological communities present, relatively small property size and the prior historic agricultural usage of the property significantly limit the overall species diversity of the site. The species of flora and fauna observed and the ecological community types identified on the property are all common within the general geographic area.

Conclusion

Given the lack of appropriate habitat for Bog Turtles and Small Whorled Pogonia, it has been determined by NCES that it is highly unlikely that these species would be present and/or utilize the property or the surrounding properties, based on habitat conditions. Consequently, any future development of the property would be highly unlikely to result in any significant or adverse impacts on these species. In addition, given the lack of any defined areas of Chestnut Oak Forest or Appalachian Oak Forest communities on the site, it has also been determined by NCES that no negative or adverse effect on these communities would occur from the development proposed.

However, based on the proposed site development plans, it is apparent that minor clearing and grading is proposed within the forested component of the property. As previously described, potential roosting habitat and potential foraging habitat for Indiana and Northern Long-eared Bats is present within portions of these areas. Therefore, the

anticipated development will result in direct impact to habitat that is conducive to these listed bat species.

As is standard DEC and USFWS directive when potential summer roosting habitat for listed bats is present, a time-of-year restriction would likely be requested to be implemented by the regulatory agencies, whereas the tree clearing activities would be restricted to occur between October 1 and March 31 of any given year. This is the duration of the year when the bats would not be located within summer habitats and therefore would not be subject to direct impact by the removal of trees. Based on our previous experiences and consultations with the USFWS, USACE and DEC, if an Applicant is willing and able to comply with the time-of-year restrictions, and thus limits tree clearing activities within wooded areas between October 1 and March 31, then direct impacts to bats would be avoided and no further actions or coordination with the regulatory agencies would be required.

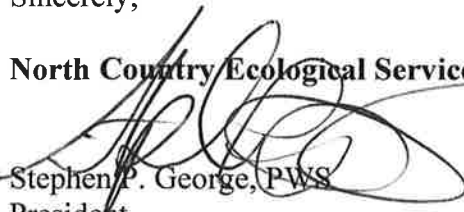
During the review, no other rare or otherwise ecologically sensitive species or significant ecological habitats were identified on the property. The property is comprised of a mid-successional forested community that is common within the general geographic region which is also indicative of previously manipulated lands.

As a result, with the implementation of a time-of year restriction on tree clearing activities, thus avoiding potential direct impact to listed bat species, it is in the professional opinion of NCES that the development of the property would be highly unlikely to result in any negative or adverse effect upon endangered, threatened or rare species of flora and/or fauna.

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



SOILS LEGEND

- MdC – Mardin gravelly silt loam, with 8 to 15 percent slopes
- RhB – Riverhead sandy loam, with 3 to 8 percent slopes
- RhC – Riverhead sandy loam, with 8 to 15 percent slopes

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

Scale: As Noted



FIGURE 2 - SOIL SURVEY



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

<http://www.fws.gov/northeast/nyfo/es/section7.htm>



In Reply Refer To:

October 11, 2019

Consultation Code: 05E1NY00-2020-SLI-0124

Event Code: 05E1NY00-2020-E-00346

Project Name: Chester Residential Subdivision

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

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (<http://www.fws.gov/windenergy/>)

[eagle_guidance.html](#)). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

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

Attachment(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:

New York Ecological Services Field Office

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

Project Summary

Consultation Code: 05E1NY00-2020-SLI-0124

Event Code: 05E1NY00-2020-E-00346

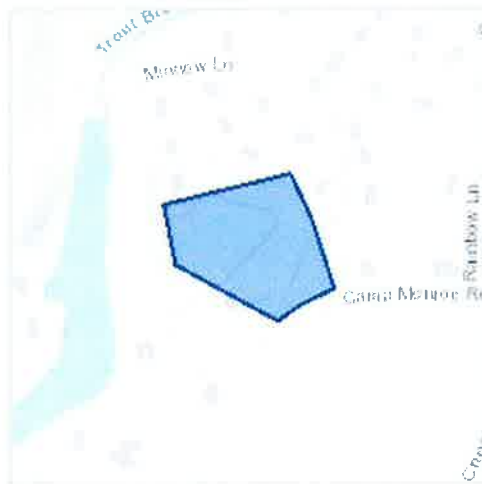
Project Name: Chester Residential Subdivision

Project Type: DEVELOPMENT

Project Description: Residential development of 4.80± acres of undeveloped forested property located along Camp Monroe Road in the Town of Chester, Orange County, New York

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.29341040241962N74.23926109274969W>



Counties: Orange, NY

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

February 5, 2019

Thomas Ward
North Country Ecological Services, Inc.
25 W. Fulton Street
Gloversville, NY 12078

Re: Monroe-Chester 3 Lot subdivision
County: Orange Town/City: Chester, Monroe

Dear Mr. Ward:

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.

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 3 Office, Division of Environmental Permits at dep.r3@dec.ny.gov, (845) 256-3054.

Sincerely,



Heidi Krahling
Environmental Review Specialist
New York Natural Heritage Program





**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, please contact the NYSDEC Region 3 Office, Department of Environmental Permits, at dep.r3@dec.ny.gov, (845) 256-3054.

The following species has been documented within 2.5 miles of the project site. Individual animals may travel 5 miles from documented locations. The main impact of concern is the cutting or removal of potential roost trees.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING	
Mammals				
Northern Long-eared Bat <i>Hibernaculum</i>	<i>Myotis septentrionalis</i>	Threatened	Threatened	14198

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.



**The following significant natural communities have been
documented in the vicinity of the property.**

We recommend that potential impacts of any proposed project on these 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. Final requirements of any proposed project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following natural communities are considered significant from a statewide perspective by the NY Natural Heritage Program. Each community is either an example of a community type that is rare in the state, or a high-quality example of a more common community type. By meeting specific, documented criteria, the NY Natural Heritage Program considers these community occurrences to have high ecological and conservation value.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
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Upland/Terrestrial Communities

Chestnut Oak Forest

High Quality Occurrence

Documented within 0.3 mile south of the property. This is a large community in an excellent and protected landscape.

7728

Appalachian Oak-Hickory Forest

High Quality Occurrence

Documented within 0.5 mile south of the property. This is a very large example of this community in a large forested landscape with relatively few roads. Invasives are prevalent in the surrounding roads and developed areas and are a threat.

9714

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 natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org. For descriptions of all community types, go to www.dec.ny.gov/animals/97703.html for Ecological Communities of New York State.

Endangered Species Act Species

There is a total of 4 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
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
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

Reptiles

NAME	STATUS
Bog Turtle <i>Clemmys muhlenbergii</i> Population: Wherever found, except GA, NC, SC, TN, VA No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6962 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/182/office/52410.pdf Habitat assessment guidelines: https://ecos.fws.gov/ipac/guideline/assessment/population/182/office/52410.pdf	Threatened

Flowering Plants

NAME	STATUS
Small Whorled Pogonia <i>Isotria medeoloides</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1890 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/742/office/52410.pdf	Threatened

Critical habitats

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



Photograph 1) View of the forested, open hardwoods located in the northwest corner of the parcel.



Photograph 2) View of the forested, open hardwoods located in the southeast corner of the parcel.



Photograph 3) View of the stream that extend through the parcel. This picture was taken while looking west toward Trout Brook Road.



Photograph 4) View of the stream that extend through the parcel. This picture was taken while looking east toward Pickerel Road.



Photograph 5) View of the elevation difference between the forested upland and the tributary that flows through the property.