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By Melissa Foote at 8:39 am, Mar 24, 2023

**ERS CONSULTANTS, INC.**  
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March 24, 2023

David A. Getz, PE  
Engineering & Surveying Properties, PC  
262 Greenwich Avenue, Suite B  
Goshen, NY 10924

Re: Threatened and Endangered Species Investigation for the Palmer/Orange  
County Land Trust Project

Dear Dave:

ERS Consultants, Inc. conducted a threatened and endangered species investigation on March 20, 2023 at the Palmer/Orange County Land Trust Project off Laroe Road in the Town of Chester, Orange County, New York. The purpose of the investigation was to determine the presence/absence of state or federal threatened or endangered species or associated potential habitat.

The entire site includes two tax lots, Section 7, Block 1, Lots 35.1 & 35.2. The total area consists of 170+/- acres with two lots being subdivided off of Lot 35.2. Each lot would be slightly over 10 acres. Proposed Lot 1 is located on the west side of Laroe Road and contains an existing dwelling, barn and shed and associated driveway. The remainder of this area is lawn. Proposed Lot 2 is located on the east side of Laroe Road and is undeveloped. This area contains two ponds and hay fields.

The US Fish and Wildlife Service (USFWS) and the New York State Department of Environmental Conservation (NYSDEC) indicates bog turtle (*Glyptemys muhlenbergii*), Indiana Bat (*Myotis sodalis*), Northern long-eared bat (*Myotis septentrionalis*) within or near the project site. The NYSDEC has also identified timber rattlesnake (*Crotalus horridus*) near the project site.

Habitats occupied by bog turtles in the Hudson Valley are wet meadows, sedge meadows, and red maple swamps (New York Natural Heritage Program, NYSDEC Bog Turtle Fact Sheet, USFWS, 2001). Bog turtles have specific habitat requirements that include spring-fed, open-canopy wetlands with shallow, slow-moving water, deep mucky soils, and tussock-forming herbaceous vegetation. No habitat exists within or immediately adjacent to the proposed lots.

Based upon this habitat investigation no hibernacula (winter habitat) for the Indian bat or Northern long-eared bat exists on-site. However, potential summer habitat may exist within the vicinity of the project area. These bat species use live trees greater than 5 inches DBH, especially trees containing dead wood and snags or even dead trees and

trees with exfoliating bark. The USFWS and the NYSDEC both recommend that in areas where potential summer habitat exists, clearing of trees over 5 inches DBH should occur between November 1 and March 31. It is our understanding that no trees will be removed as part of this project.

Denning, gestation, and basking areas are critical habitat essential for the survival of local populations of the timber rattlesnake. Crevices in rocky faces or talus in westerly to southerly exposures are used for denning. Open areas with rocky outcrops are used for basking, shedding and birthing. No critical denning, gestation or basking habitat was identified within the proposed lots.

This proposed subdivision should not impact the species identified above. If you have any questions do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "David Griggs".

David Griggs  
Senior Wildlife Scientist