NORTH COUNTRY
ECOLOGICAL SERVICES, INC.

April 7, 2023

Mr. Menachem Glazer
Key Developers, Inc.
670 Myrtle Ave., Suite 370
Brooklyn, New York 11205

Re: ***Threatened and Endangered Species Review***
201 & 203 Prospect Road (Tax ID: 202-1-11, 202-1-12)
Town of South Blooming Grove, Orange County, New York

Dear Mr. Glazer:

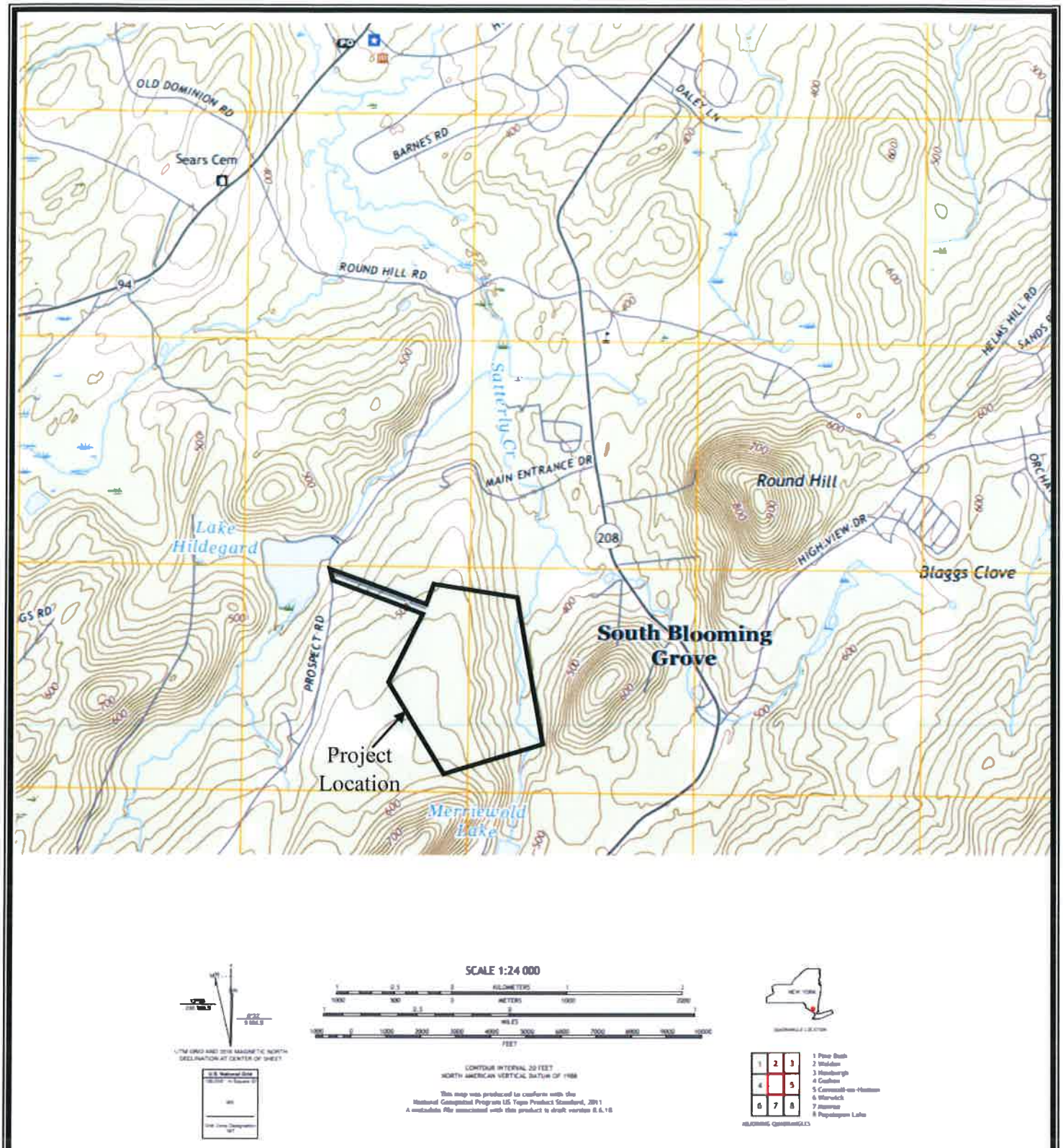
Pursuant to your request, North Country Ecological Services, Inc. (NCES) completed an ecological assessment of the above-referenced property in search of habitats that would be deemed conducive to the existence of the federally-listed Endangered, Threatened, and/or Rare (ETR) species of flora and fauna. Species were listed by the United States Fish and Wildlife Service (USFWS) and the DEC Natural Heritage Office (NHO) in their February 21, 2023 and March 6, 2023 correspondence to NCES, respectively. The New York State Dept. of Environmental Conservation (DEC) Environmental Resource Mapper (ERM) and the Environmental Assessment Form Mapper (EAF) were consulted by NCES for species and community types of concern. The EAF response indicates that the Northern Long-ear and Indiana Bat have the potential to be present in the vicinity of the project site.

The USFWS response letter indicated that the Indiana Bat, Northern Long-eared Bat, Bog turtle, and Small whorled pogonia have the potential to be 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.

The NHO response letter indicated that the Indiana Bat and Northern Long-eared Bat could occupy the properties.

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.

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



Base Map: USGS Maybrook 7.5' Quadrangle, Orange County, N.Y. Scale: 1: 24,000

NCES
North Country Ecological Services, Inc.

Figure 1 – Site Location Map

Site Location & Description

The subject property is located at 201 and 203 Prospect Road in the Town of South Blooming Grove, Orange County, New York (the "Site") (Figure 1). The Site is located approximately 4,796 feet to the south of the intersection of Prospect Road and Round Hill Road. The centralized coordinates are 41° 23' 02.05" (41.384) N Latitude and 74° 11' 12.15" (-74.186) W Longitude. The Tax Map ID of the parcels are: 202-1-11 (201 Prospect Road), 202-1-12 (203 Prospect Road).

The Site can be described as a vacant and fallow property. The majority of the property is comprised of undeveloped forested with two single-family residential houses situated approximately 500 feet apart. Satterly Creek, a perennial stream is located in the eastern portion of the property.

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:

- Mowed lawn with trees (Edinger)
- Unpaved road (Edinger)
- Successional old field (Edinger)
- Successional southern hardwoods (Edinger)
- Rocky headwater stream (Cowardin)

The majority of the property consisted of small diameter trees in good health with a few larger diameter trees mixed in. Area located in the southern portions of the property consisted of grasses and Forbes. The approximate location and configuration of the ecological community types identified on the property are shown on the Vegetative Cover Types graphic (Figure 2).

Lake Hildegard is located to the west of the Site and to the south of Turtle Knoll. Lands to the east of the Site are undeveloped forested land. Lands located along Prospect Road are single-family residential housing. Lands to the north of the Site consist of undeveloped forested land and successional old fields. 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"), five (5) soil types are found within the boundaries of the subject property. The soils include: Alden silt loam (Ab); Erie extremely stony soils, gently sloping (ESB); Mardin gravelly silt loam, (MdB, MdC, and MdD); Swartswood and Mardin soils, sloping,

Legend

MLT – Mowed lawn with trees
UPR – Unpaved road
SOF – Successional old field
SSH – Successional southern hardwoods
RHS – Rocky headwater stream

Base Map: DEC Environmental Resource Mapper Aerial Image, Orange County

Scale: None

NCES
North Country Ecological Services, Inc.

FIGURE 2 – Vegetative Cover Types

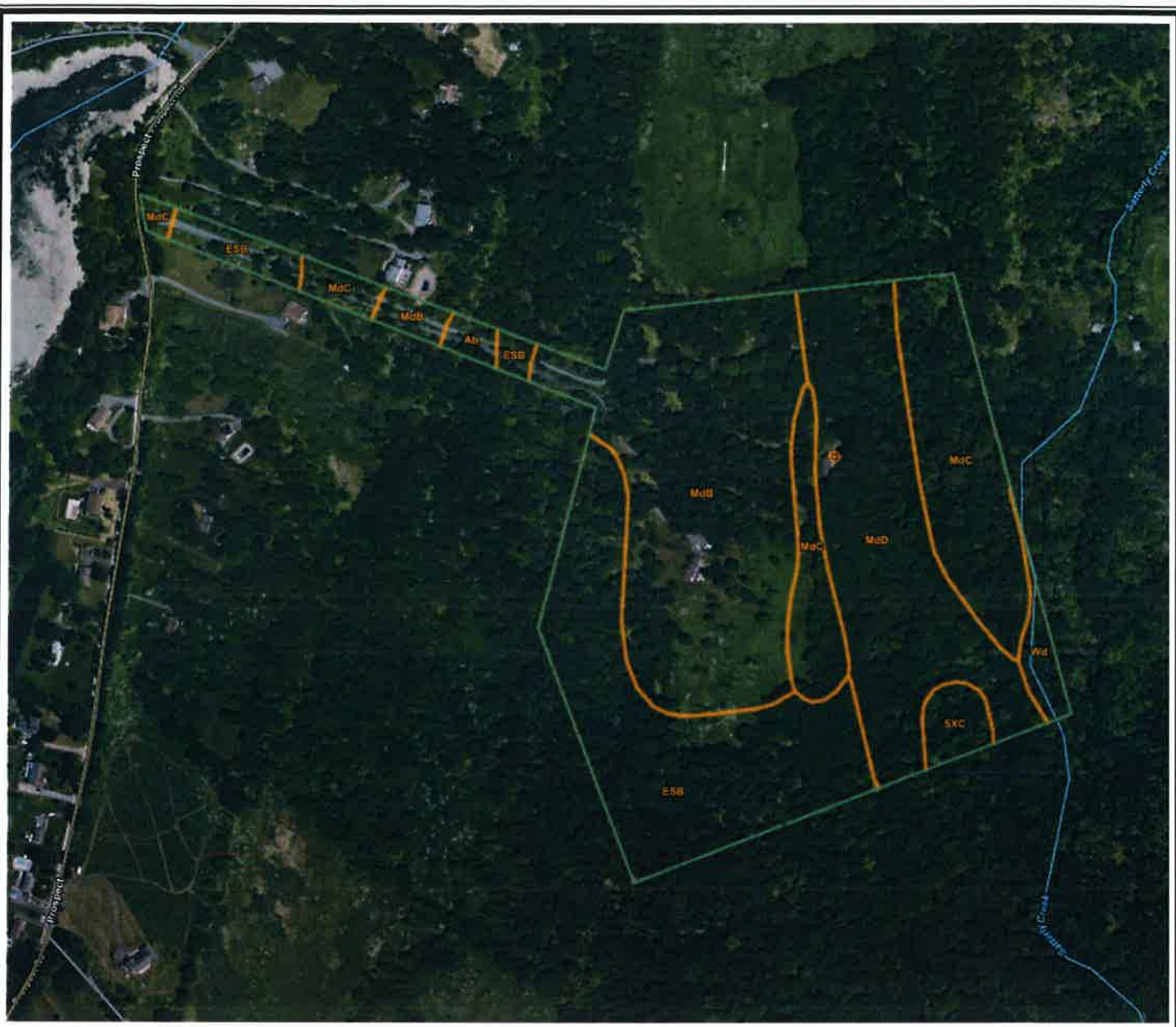
very stony (SXC); and Wayland soils complex, non-calcareous substratum, with 0 to 3 percent slopes, frequently flooded (Wd) (Figure 3). A description of these soil types, was obtained directly from the Soil Survey and is provided below:

The Soil Survey describes Alden silt loam (Ab), as a deep, very poorly drained, nearly level soil formed in glacial till deposits derived from shale, sandstone, and some limestone. Local silty colluvial sediment commonly mantles the glacial till deposits. This soil is in low areas and depressions in uplands. The slope ranges from zero to three percent. Included with this soil in mapping are small areas of somewhat poorly drained Erie soils on slightly higher rises and in fringe areas, a few spots where the surface layer is mucky, and areas where a large number of stones are on the surface. In this Alden soil the water table is at or near the surface for prolonged periods. Many areas are ponded for brief periods in spring. The permeability is moderately slow in subsoil and substratum. The available water capacity is high, and runoff is very slow.

The Soil Survey describes Mardin gravelly silt loam (MdB), as being a deep, moderately well-drained, gently sloping soil that has formed in glacial till deposits derived from sandstone, shale, and slate. Areas of this soil type are located on broad divides, hilltops, and ridges in uplands. Included with this soil unit in mapping are small areas of somewhat poorly-drained Erie soils, which are found in concave spots on foot slopes and along drainageways. In addition, well-drained bath soils are included on higher knolls and ridges. The water table is perched early in spring and in other excessively wet periods. The permeability is moderate in the surface layer and is slow or very slow in the fragipan and substratum. The available water capacity is moderate to low, and runoff is slow to medium.

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 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 Mardin gravelly silt loam, 15 to 25 percent slopes (MdD), as a deep, moderately well drained, sloping soil formed in glacial till deposits derived from sandstone, shale, and slate. It commonly receives runoff from higher adjacent soils. It has a dense fragipan in the lower part of the subsoil. It is on valley sides, hillsides, and valley sides 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. A few spots are severely eroded, and in a few areas large stones are on the surface. The water table



Natural Resources Conservation Service

SOILS LEGEND

Ab – Alden silt loam
ESB – Erie extremely stony soils, gently sloping
MdB – Mardin gravelly silt loam, with 3 to 8 percent slopes
MdC – Mardin gravelly silt loam, with 8 to 15 percent slopes
MdD – Mardin gravelly silt loam, with 15 to 25 percent slopes
SXC – Swartswood and Mardin soils, sloping, very stony
Wd – Wayland soils complex, non-calcareous substratum, with 0 to 3 percent slopes, frequently flooded

Base Map: Web Soil Survey 3.2 – Orange County Soil Survey, N.Y. Scale: 1:3,000

NCES
North Country Ecological Services, Inc.

FIGURE 3 – Soil Survey Map

is perched above the fragipan in early in spring and in other excessively 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 rapid.

The Soil Survey describes Swartswood and Mardin very stony soils, sloping (SXC), as well drained and moderately well drained, deep soils with a fragipan. They formed in glacial till deposits on hillcrests, hilltops, and ridges in uplands. The slope ranges from 3 to 15 percent. Included with these soils in mapping are a few small areas that are free of large surface stones.

Also, on a few foot slopes are the moderately well drained to somewhat poorly drained Wurtsboro soils or somewhat poorly drained Erie soils. In both Swartswood and Mardin soils the water table is perched above the fragipan early in the spring. The permeability is moderate above the fragipan in both soils. It is slow or moderately slow in the pan and substratum in the Swartswood soil and is slow or very slow in the Mardin soil. The available water capacity is low to moderate, and runoff is medium in both soils.

The Soil Survey describes Wayland silt loam non-calcareous substratum, 0 to 3 percent slopes, frequently flooded (Wd), as being a deep, poorly drained and very poorly drained, nearly level soil that formed in silty alluvial deposits. Areas of this soil type are located on low floodplains adjacent to streams that overflow. Included with this soil in mapping are a few higher spots of the moderately well drained to somewhat poorly drained Middlebury soils. Also included are a few small areas of the very poorly drained Wallkill soils, which are underlain by organic deposits. A few spots where the surface layer is gravelly are identified by spot symbols on the soil map. This Wayland soil is commonly subject to flooding in spring. The water table is at or near the surface for prolonged periods during the year unless the soil is drained. The permeability is moderately slow or moderate in the surface layer and is slow in the subsoil and substratum. The available water capacity is high and the runoff is very slow.

Vegetation

During the ecological review, NCES identified five (5) ecological community within the boundaries of the Site. These ecological communities are Mowed lawn with trees, Unpaved road, Successional old field, Successional southern hardwoods, and Rocky headwater stream. The dominant species of vegetation observed within each of the ecological communities identified are listed below:

The dominant species of vegetation observed within the Mowed lawn with trees ecological community include, but are not limited to: sugar maple (*Acer saccharum*), red maple (*Acer rubrum*), eastern red cedar (Juniperus virginiana), common buckthorn (*Rhamnus cathartica*), multiflora rose (*Rosa multiflora*), spotted knapweed (*Centura stoebe*), wild carrot (*Daucus carota*), garlic mustard (*Alliaria officinalis*), common blue violet (*Viola sororia*), Canada goldenrod (*Solidago canadensis*).

The dominant species of vegetation observed alongside the Unpaved road ecological community include, but are not limited to: eastern red cedar (Juniperus virginiana), spotted knapweed (*Centura stoebe*), wild carrot (*Daucus carota*), common mullein (Verbascum thapsus), and common milkweed (*Asclepias syriaca*),

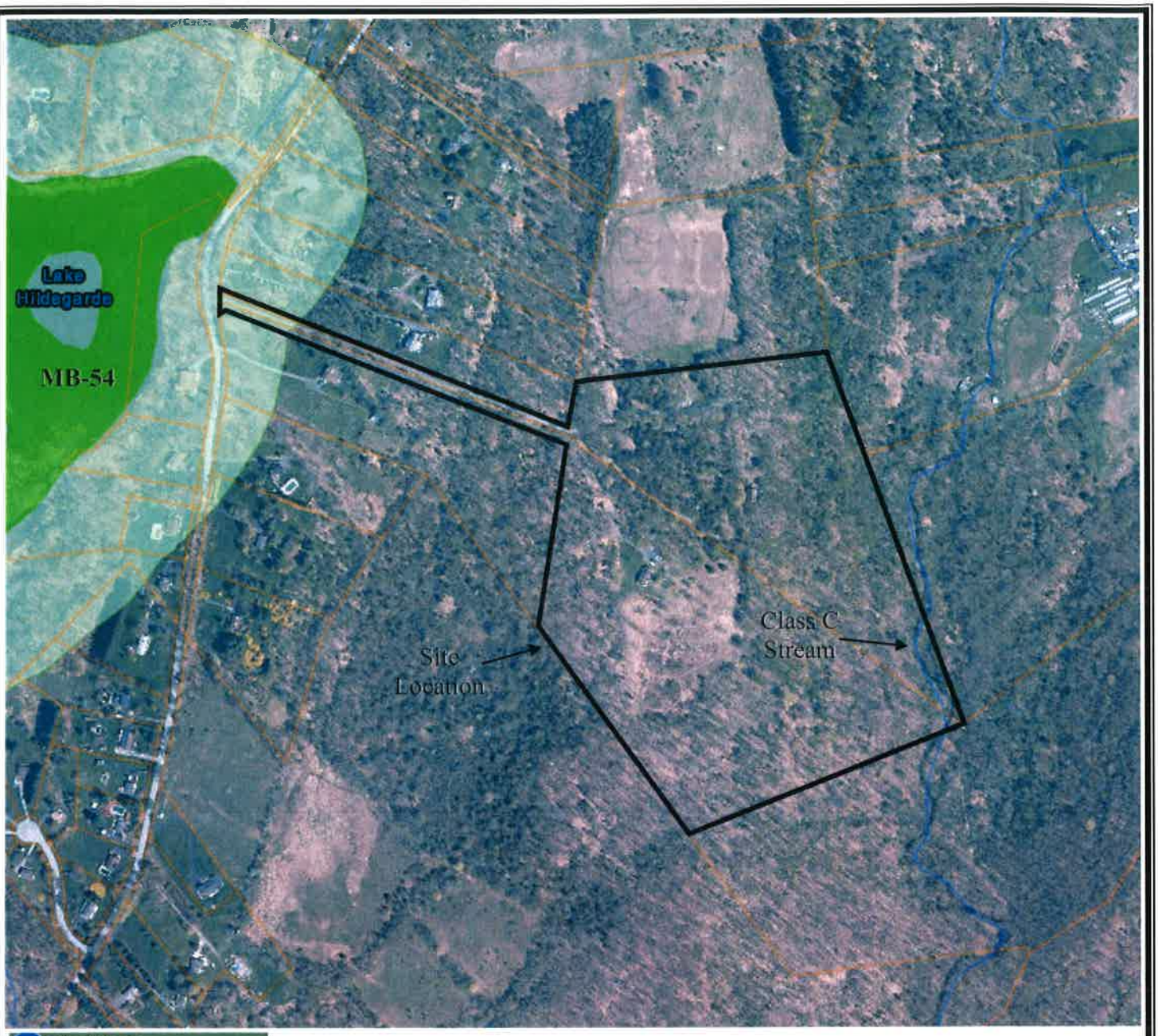
The dominant species of vegetation observed within the Successional old field ecological community include, but are not limited to: spotted knapweed (*Centura stoebe*), wild carrot (*Daucus carota*), common milkweed (*Asclepias syriaca*), late goldenrod (*Solidago gigantea*), and Canada goldenrod (*Solidago canadensis*).

The dominant species of vegetation observed within the Successional southern hardwoods ecological community include, but are not limited to: gray birch (*Betula populifolia*), black birch (*Betula lenta*), hophornbeam (*Ostrya virginiana*), muscle wood (*Carpinus caroliniana*), scarlet oak (*Quercus coccinea*), white oak (*Quercus alba*), tulip tree (*Liriodendron tulipifera*), black cherry (*Prunus serotina*), red pine (*Pinus resinosa*), sugar maple (*Acer saccharum*), red maple (*Acer rubrum*), Silver maple (*Acer saccharinum*), eastern red cedar (*Juniperus virginiana*), American beech (*Fagus grandifolia*), American elm (*Ulmus americana*), red oak (*Quercus rubra*), shagbark hickory (*Carya ovata*), Japanese honeysuckle (*Lonicera japonica*), common buckthorn (*Rhamnus cathartica*), Japanese barberry (*Berberis thunbergii*), tatarian honeysuckle (*Lonicera tatarica*), American witch hazel (*Hammelis virginiana*), grey dogwood (*Cornus racemose*), multiflora rose (*Rosa multiflora*), garlic mustard (*Alliaria officinalis*), common blue violet (*Viola sororia*), and riverbank grape (*Vitis riparia*).

Some of the dominant species of vegetation observed along the edges of the Rocky headwater stream ecological community included, but are not limited to: musclewood (*Carpinus caroliniana*), American elm (*Ulmus americana*), American beech (*Fagus grandifolia*), red maple (*Acer rubrum*), Japanese honeysuckle (*Lonicera japonica*), skunk cabbage (*Symplocarpus foetidus*), and sensitive fern (*Onoclea sensibilis*). No submerged aquatic vegetation was observed within the stream bed.

DEC & NWI Mapped Aquatic Resources

The DEC website was reviewed by NCES to obtain information regarding the presence of Article 24 regulated wetlands and/or Article 15 regulated streams on, or within 100 feet of, the Site. Based on the review of the Freshwater Wetland mapping that was provided by the DEC's Environmental Resource Mapper (ERM), no portions of any currently mapped Article 24 regulated wetlands are found within the boundaries of the Site. A portion of one "Class C Stream" is located in the eastern-most portion of the Site (Figure 4). The check-zone of DEC MB-54 wetland is located within the western most portion of the Site. This portion of the property is an unpaved access road and upland field that leads from Prospect Road, into the interior of the Site.



NEW YORK STATE - DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Map Layers & Legend

Base Map: NYS Aerial with Streets

- Classified Water Bodies
- Classified Water Bodies
- State-Regulated Freshwater Wetlands
- Wetland Check-zone

DEC Environmental Resource Mapper –Orange County, N.Y.

Scale: None

NCES
North Country Ecological Services, Inc.

FIGURE 4 - DEC Mapped Aquatic Resources

NCES reviewed the U.S. Fish and Wildlife Service (USFWS) website to determine if wetlands and/or other aquatic resources identified by the USFWS Aquatic Resource Mapping Program are present on the Site. Based on the information obtained from the National Wetland Inventory (NWI) Mapper, it was determined that one NWI mapped aquatic resources is present within the boundaries of the Site (Figure 5). This NWI aquatic resource is described as R3UBH (riverine, upper perennial, unconsolidated bottom, permanently flooded). This area correlates to the DEC Class C Stream that is found along the eastern boundary of the subject property.

FEMA Flood Hazard Areas

NCES reviewed the Federal Emergency Management Association (FEMA) Flood Hazard mapping for the Site, as required by the USACE reporting guidelines. Based on the information obtained from the FEMA website, and after the review of the Flood Insurance Rate Map (FIRM) provided, it has been determined that portions of designated flood zone AE are present within the boundaries of the Site (Figure 6).

Endangered Species Review

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

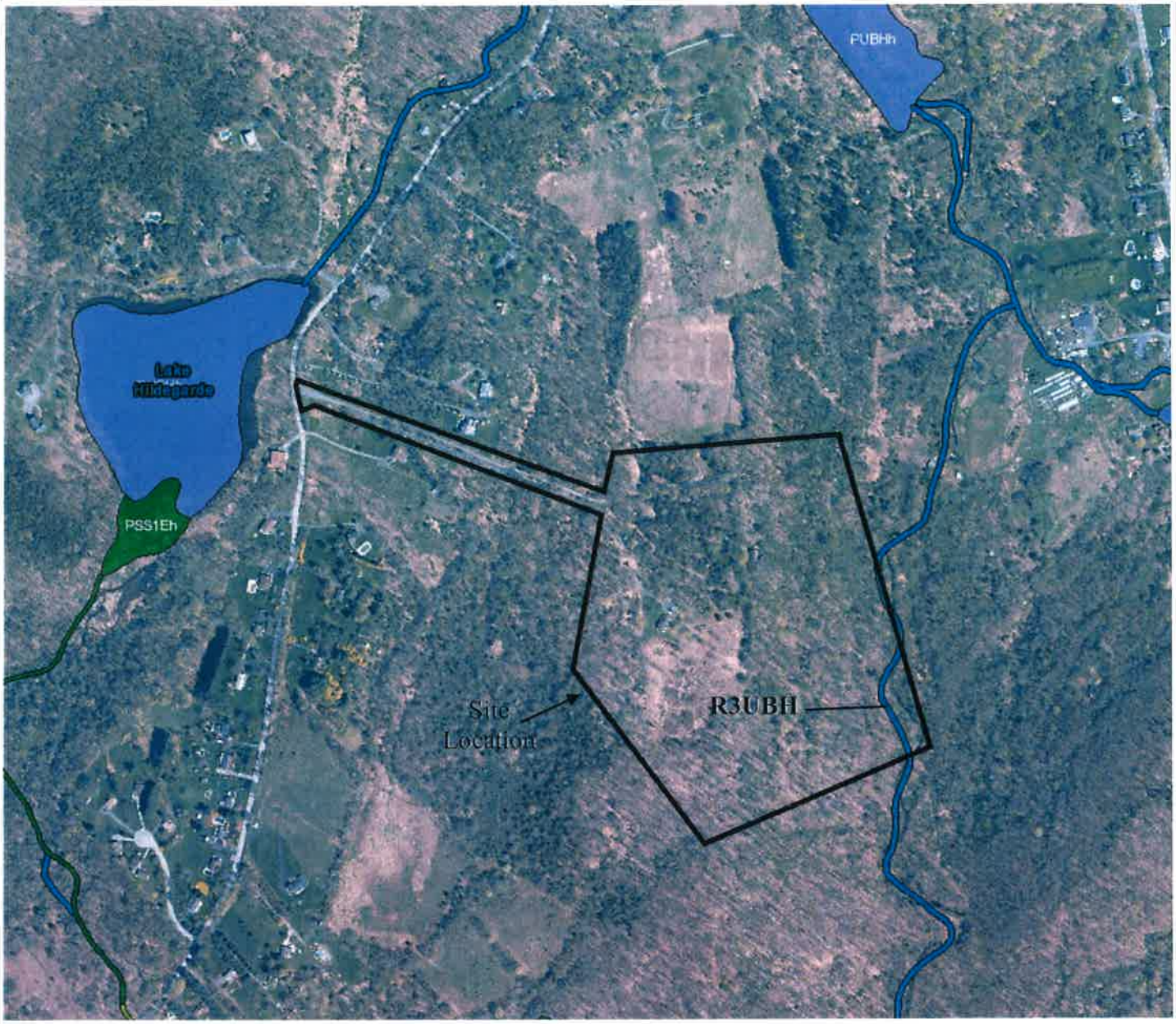
1) An in-house review of the USFWS IPaC website and the DEC's ERM and EAF. NCES received a response from USFWS and DEC's NHO on February 21, 2023 and March 6, 2023, respectively.

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:

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

There are no Critical Habitats identified within the property boundaries by the USFWS. The correspondence from both the USFWS and DEC are attached for reference.



U.S. Fish and Wildlife Service

National Wetlands Inventory

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

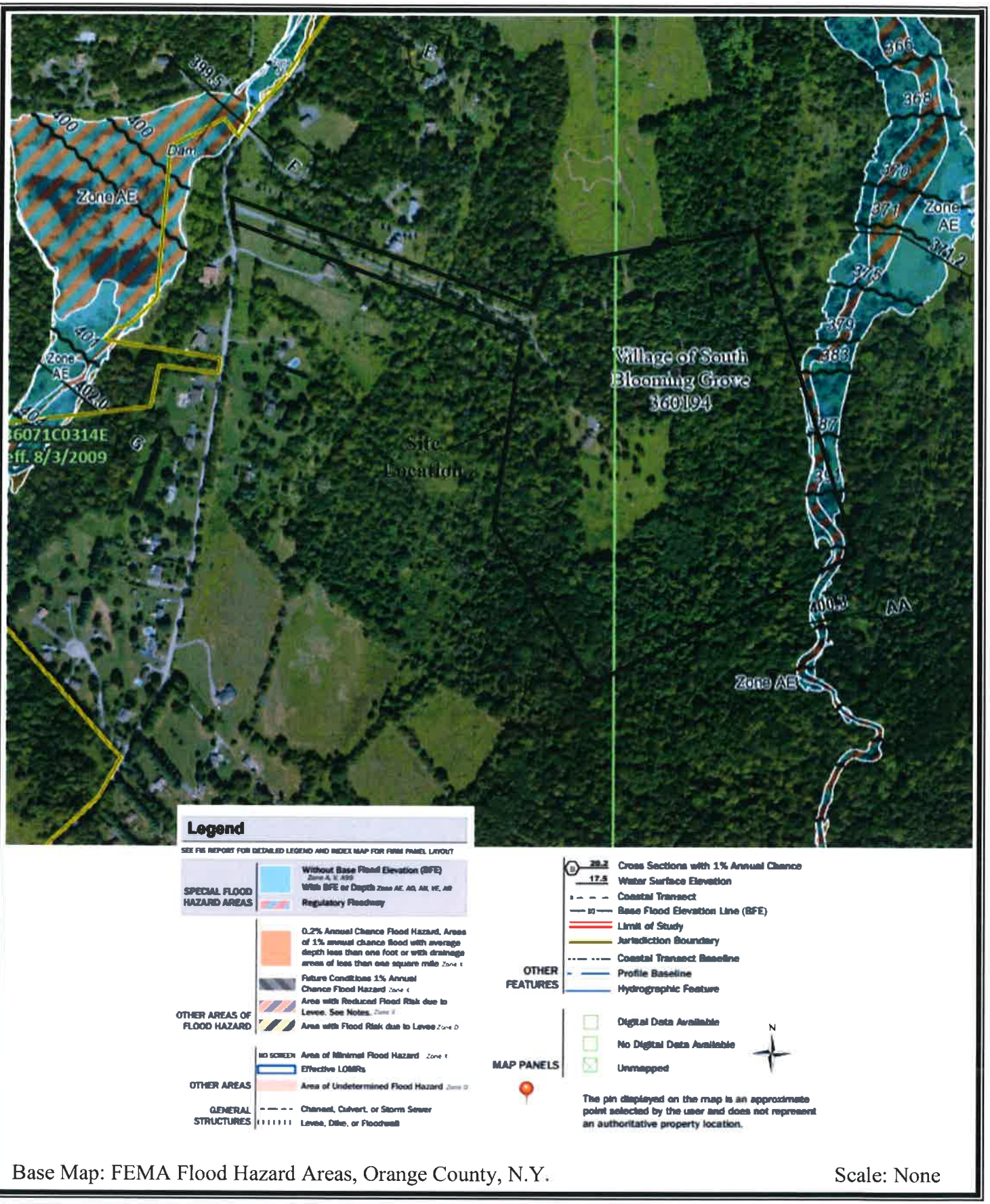
Base Map: USFWS NWI Wetlands Map, Orange County, N.Y.

Scale: 1:9,028

NCES

North Country Ecological Services, Inc.

FIGURE 5 – NWI Mapped Aquatic Resources



Base Map: FEMA Flood Hazard Areas, Orange County, N.Y. Scale: None

NCES
North Country Ecological Services, Inc.

FIGURE 6 - FEMA Flood Hazard Areas

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 March 21, 2023, NCES visited the property and assessed 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 a list of the species of flora and fauna that were observed. Specific habitat assessments for those species referenced by the agency consultations are provided below:

Northern Long-eared & Indiana Bat Habitat Assessment

The Northern Long-eared Bat (*Myotis septentrionalis*) and Indiana Bat (*Myotis sodalist*) 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, trees were identified that exhibit the characteristics of summer roosting habitat. The trees noted were mature in age or dead/dying, presented exfoliating bark and/or, contained cavities, offering the physical characteristics of summer roost trees. For example, shagbark hickory (*Carya ovata*) and a couple of dead green ash (*Fraxinus pennsylvanica*) was present throughout the Site. These trees exemplify roosting habitat with their characteristic exfoliating bark and cavities.

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 within the adjacent residential and commercially developed properties. Foraging habitat is widespread throughout the area as the bats are not selective as to where they find food.

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 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 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 present within boundaries of the Site that are indicative of Bog Turtle habitat. The Rocky headwater stream located in the easter portion of the property does not possess the necessary criteria for Bog Turtle habitat. Based on the lack of organic mineral soils, surface water, and suitable vegetation, there is no potential for Bog Turtles to occupy the property. No habitat immediately adjacent to the subject properties contained habitat conducive to Bog Turtle inhabitation.

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 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 on 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.

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 or 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 forested land containing portions successional old field and two vacant residential houses. The on-site habitats are common within the general geographic region and are bordered by residential development and undeveloped forest. Foraging habitat for bats exists throughout the property, along the stream corridor, and open fields. Bat foraging habitat is extremely generic and is found throughout any geographic area where bats inhabit. No Bog Turtle habitat was found on or adjacent to the properties.

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

Site Photographs

Photograph 1) View looking west at the gravel road extending from Prospect Road to the house at 201 Prospect Road.

Photograph 2) View looking north along the property boundary and the adjacent fallow fields off-site.

Photograph 3) View looking south at the successional old field community type found adjacent to the house located at 203 Prospect Road.

Photograph 4) View looking south at the southern hardwood community type with limited understory vegetation.

Photograph 5) View of the vacant house located in the northern portion of the property.

Photograph 6) View of the Rocky headwater perennial stream located in the eastern portion of the Site.

Photograph 7) Photo of a shagbark hickory trees (*Carya ovata*). The exfoliating bark on these trees provides suitable roosting habitat for both Indiana and Northern-Long eared bat species.

Photograph 8) View looking northeast at the forested and shrub community.

Photograph 9) View of the unpaved road located in the northeastern portion of the property.

Photograph 10) View looking at the unpaved roads that provide access from Prospect Road to both houses found within the interior of the Site.

Photograph 11) View looking south at the typical ecological community found within the western portions of the property.

Photograph 12) View looking north at the mowed lawn found adjacent to the southern-most house.

Photograph 13) View looking northeast at the existing conditions adjacent to the southern-most house.

Photograph 14) View looking west at the forested community and small diameter trees.

Correspondence with DEC & USFWS

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

In Reply Refer To:
Project Code: 2023-0047772
Project Name: Prospect Road 201/203

February 21, 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:

New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
(607) 753-9334

PROJECT SUMMARY

Project Code: 2023-0047772
Project Name: Prospect Road 201/203
Project Type: New Constr - Above Ground
Project Description: Housing Development
Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@41.382095899999996,-74.18681767738585,14z

Counties: Orange County, New York

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[1], 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.

---

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 *Myotis sodalis* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

REPTILES

NAME	STATUS
Bog Turtle *Glyptemys muhlenbergii* 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	Threatened

INSECTS

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

FLOWERING PLANTS

NAME	STATUS
Small Whorled Pogonia *Isotria medeoloides*	Threatened

Population:
No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/1890

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

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 I F: (518) 402-8925
www.dec.ny.gov

March 6, 2023

Stephen P. George
North Country Ecological Services, Inc.
25 West Fulton Street
Gloversville, NY 12078

Re: 201 and 203 Prospect Road
County: Orange Town/City: Blooming Grove

Dear Stephen P. George:

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 3 Office, Division of Environmental Permits, at dep.r3@dec.ny.gov.

Sincerely,

Heidi Krahling
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 more information, including any permit considerations for the project, please contact the NYSDEC Region 3 Office, Division of Environmental Permits, at dep.r3@dec.ny.gov, (845) 256-3054.

The following species have been documented within 1.25 miles of the project site. Individual animals may travel 2.5 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				
Indiana Bat *Hibernaculum*	*Myotis sodalis*	Endangered	Endangered	12787

The following species have been documented within 1.25 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 *Hibernaculum*	*Myotis septentrionalis*	Threatened	Threatened	14145

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.

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information		
Name of Action or Project:		
Project Location (describe, and attach a location map):		
Brief Description of Proposed Action:		
Name of Applicant or Sponsor:	Telephone: E-Mail:	
Address:		
City/PO: q	State:	Zip Code:

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☐	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:	NO ☐	YES ☐

3. a. Total acreage of the site of the proposed action? _____ acres
   b. Total acreage to be physically disturbed? _____ acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☐

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☐	☐
b. Are public transportation services available at or near the site of the proposed action?	☐	☐
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____	☐	☐

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____ _____	☐	☐

	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☑	☐
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☑	☐

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☑
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Indiana Bat, Northern Long-...	☐	☑
16. Is the project site located in the 100-year flood plan?	☐	☑
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☐	☐
If Yes,		
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☐
If Yes, briefly describe:		
_____		
_____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	☐	☐
If Yes, explain the purpose and size of the impoundment: _____		
_____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	☐	☐
If Yes, describe: _____		
_____		
20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	☑	☐
If Yes, describe: _____		
_____		

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

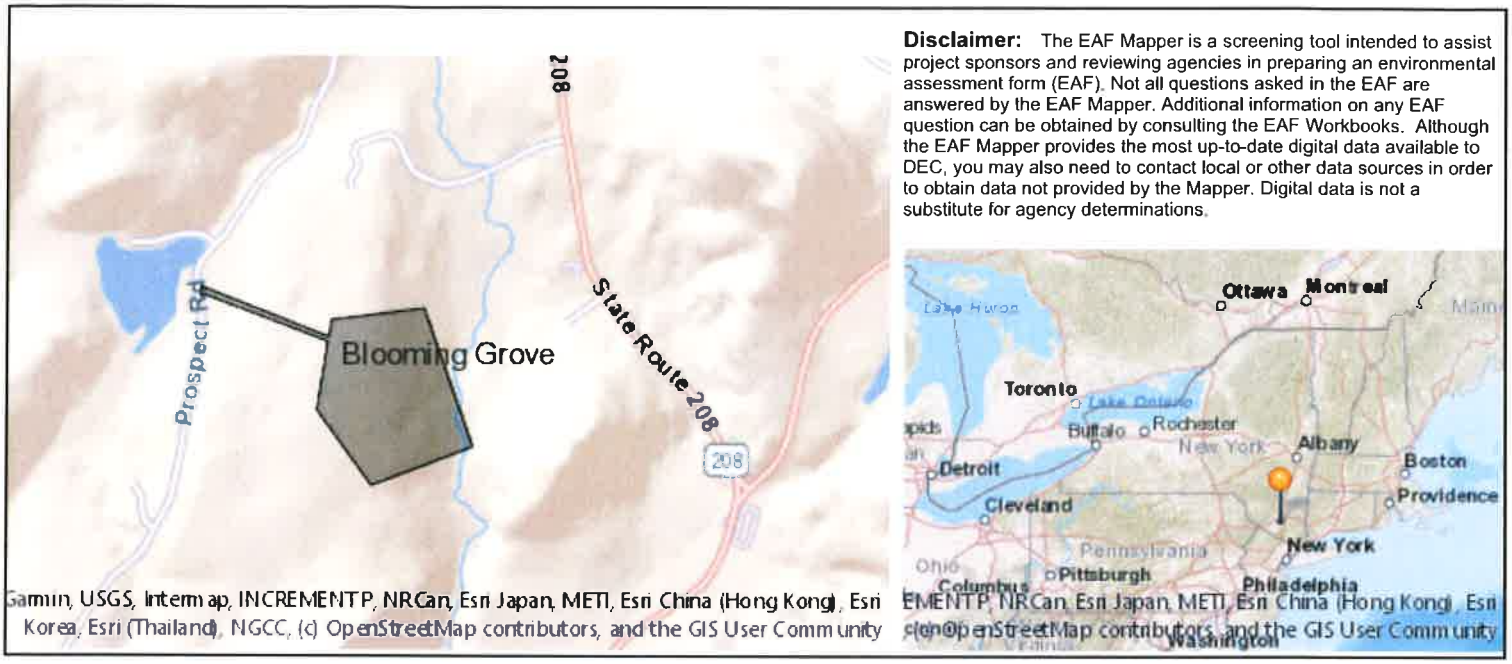
Applicant/sponsor/name: _____ Date: _____

Signature: _____ Title: _____

PRINT FORM

EAF Mapper Summary Report

Friday, March 3, 2023 4:16 PM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat, Northern Long-eared Bat
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No