

Rare, Threatened, and Endangered Species Report

LINCOLN PARK GRID SUPPORT CENTER

State Route 32

Town of Ulster
Ulster County, New York

March 25, 2019



Prepared by:

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Attachment B	USFWS Official Species List and Species Conclusion Table
Attachment C	NYNHP Letter
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LIMITATIONS: This Endangered and Threatened Species Habitat Assessment Report represents the professional opinion of The Chazen Companies regarding the potential for the habitat at the Project Site to support endangered and threatened species that may exist in the area. Opinions presented in this report also apply to site conditions and regulations existing at the time of Chazen's review and may not necessarily apply to future site conditions and/or regulations, which may change over time. This opinion is not legally binding upon the US Fish and Wildlife Service, the New York State Department of Environmental Conservation and/or any SEQRA Lead Agency. Reliance on this report without consultation with those agencies is solely at the risk of the Client.

1. CONTEXT OF SITE

The Project Site is being reviewed to construct a battery array to provide capacity and ancillary services to the regional electric grid, and this is a Rare, Threatened, and Endangered Species Report in support of that project, known as the Lincoln Park Grid Support Center (LPGSC) (also “the Project.”). Figure 1 shows the location of the Project on the Kingston East, NY USGS topographic quadrangle. The Project is located on a 10.42-acre portion of a 41.2-acre parcel identified as Tax Parcel 48.12-1-20, located in Town of Ulster, Ulster County, New York. The Threatened, and Endangered Species assessment was completed within a Project Study Area, defined as an 10.42-acre Jurisdictional Area. The Project Study Area is mostly occupied by upland forest and wetlands. See Figure 2, Orthophoto.

On December 11, 2018, Chazen environmental scientist David MacDougall delineated the boundaries of wetlands in the Project Study Area. Information about that delineation is found within the Wetland Delineation Report. During that field delineation, the Project Study Area’s habitats were reviewed for their potential to support Rare, Threatened, and Endangered Species (RTE) species. In addition, a review of federal and state records was completed for endangered and rare species. This report summarizes the result of the Preliminary Assessment for Rare, Threatened, and Endangered Species in the Project Study Area.

2. REVIEW OF RECORDS ON RARE, THREATENED, AND ENDANGERED SPECIES

2.1 Mapping Review

To begin the review of this Project Site, Chazen examined the following mapping, which is provided in Attachment A, “Background Mapping Review.” The purpose of this review was to identify the location of various habitat features (e.g., steep slopes, woods, wetlands, etc.) present at the Project Study Area and the surrounding area.

- United States Geologic Service (USGS) topographic maps (Figure A-1);
- Orthophoto of the Project Area (Figure A-2);
- NYSDEC Rare, Threatened, and Endangered Species Mapping (Figure A-3);
- New York State Department of Environmental Conservation (NYSDEC) Wetlands and Watercourse Mapping (Figure A-4); and
- National Wetlands Inventory (NWI) Mapping (Figure A-5);

2.2 Federal Record Review

To determine potential ETR species that may occur in the vicinity of the Project Study Area, Chazen obtained an official list of species from the United States Fish and Wildlife Service (USFWS) Information Planning and Conservation System (IPaC) website¹. See Attachment B, US Fish & Wildlife Service Official Species List. The Project Site is identified as being in the range of the following species by the USFWS:

- Indiana bat (*Myotis sodalis*) (Endangered)
- Northern long eared bat (*Myotis septentrionalis*) (Threatened)
- Bog turtle (*Glyptemys muhlenbergii*) (Threatened)

¹ <http://ecos.fws.gov/ipac/> (accessed on 02/22/2019).

“Critical habitat” is not designated by the USFWS within the Project Site.²

2.3 State Record Review

Chazen also viewed output from the NYSDEC Environmental Resource Mapper internet application. A review of the NYSDEC Environmental Resource Mapper indicates that the Project Study Area lies within a state occurrence record for a known state-listed Rare, Threatened, or Endangered Species. As shown in Attachment A, Figure A-3, this area is illustrated with orange diagonal striping.

Chazen subsequently submitted an inquiry to the New York Natural Heritage Program (NYNHP) requesting information regarding known occurrences of endangered and threatened species in the vicinity of the Project Site. A response from the NYNHP dated March 19, 2019 is included in Attachment C. The NYNHP identified a northern long-eared bat hibernaculum within 2 miles of the Project Study Area. Regarding northern long-eared bats, it is noted that there are no identified summer occurrence records of maternity roost trees in Ulster County, per the NYSDEC website.³

2.4 Habitat Requirements

Habitat requirements for the ETR species identified above are provided below in Table 1.

Table 1 Suitable Habitat Requirements for Potential ETR Species

Species Name	Regulatory Status	Preferred Habitat
Indiana bat ^a (<i>Myotis sodalis</i>)	Federally and State-listed Endangered	Suitable summertime roosting habitat is characterized by wooded areas with trees that have sun exposure for at least half of the day, are ≥ 5 in. diameter at breast height (dbh), and exhibit specific physical traits (e.g., exfoliating bark, crevices, dead limbs, snags). Hibernation sites include caves and mines with stable temperatures and relatively high humidity (usually above 74%) for overwintering. Suitable foraging habitat includes riparian/floodplain forests, upland forests, as well as open fields and pastures with scattered trees.
Northern long-eared bat ^a (<i>Myotis septentrionalis</i>)	Federally-listed Threatened; State-listed Threatened	The reproductive habits of this bat are not well known. It is believed that they behave similarly to the Indiana bat, with the females congregating in maternity colonies in the spring, often using trees with cavities, crevices, and loose bark for daytime roosts. They may also roost in buildings and behind shutters. They are associated with mature interior forest and may prefer foraging on forested ridges and hillsides.
Bog turtle ^a (<i>Clemmys</i> [<i>Glyptemys</i>] <i>muhlenbergii</i>)	Federally-listed Threatened; State-listed Endangered	Usually found in association with fens, which are wetlands dominated by herbaceous vegetation and that receive calcareous groundwater discharge through seepage and small streams (rivulets). Other habitats include open-canopy wet meadows, cow pastures, shrub swamps and forested wetlands with emergent wetland openings. As with fens, these wetlands usually have small rivulets fed by groundwater, deep muck soils and emergent vegetation with exposure to the sun, especially with abundant sedges.
^a Sources: New York Natural Heritage Program. 2017. Online Conservation Guides. Available from: http://www.acris.nynhp.org .		

² Critical habitat in New York State is limited to the Great Lakes breeding population of piping plover in Jefferson and Oswego Counties.

³ NYSDEC. 2018. NYSDEC Website - Protection of Northern Long-eared Bats. <https://www.dec.ny.gov/animals/106090.html>

3. GENERAL SITE DESCRIPTION

3.1 Topography

Figure 1 is a topographic map of the section of the Town of Ulster where the Project Site is located. The site lies within an area of rolling topography. There is approximately 30 feet of relief within the Project Study Area. The Project Site lies within the watershed of the Hudson River.

3.2 Soils and Bedrock Geology

As described in the Wetland Delineation Report, there are three soil mapping unit types mapped within the Project Study Area as described below:

- Bath-Nassau-Rock outcrop complex, Hilly (BOD). This map unit consists of a deep, well drained Bath soil and a shallow, somewhat excessively drained Nassau soil and small areas of exposed bedrock. The soils formed in glacial till. Areas are mainly on a series of ridges that are cored by folded, shale, slate, siltstone and sandstone bedrock. These ridges are generally oriented in a northeast-southwest direction. Relief is very irregular. The Bath soil is in the convex inter-ridge areas where runoff does not accumulate, and the Nassau soil is on the ridge sideslopes and is intermingled with rock outcrops on ridgetops. Relief is irregular. Slopes are short and generally complex. They are mainly 10 to 25 percent, but range from 10 to 30 percent. Areas vary in size and shape. The unit is made up of 40 percent Bath gravelly silt loam, about 25 percent Nassau shaly silt loam, about 15 percent Rock outcrop and about 20 percent other soils. These soils and Rock outcrop area in such an intricate pattern that they are not shown separately on the soil map. The Bath soil may have a perched water table from 2 to 4 feet below the grade from November to March, with the Nassau soil having a high-water table of greater than 6 feet. Bedrock is 40 inches below grade in the Bath soils, and 10 to 20 inches below grade in the Nassau soils. The bedrock is hard in the Bath soil and rippable in the Nassau soil. The Bath soil is a coarse-loamy mixed mesic Typic Fragiochrepts, while the Nassau soil is a loamy-skeletal, mixed, mesic Lithic Dystrochrept. This mapping unit has a 0% hydric soil rating.
- Nassau-Bath-Rock outcrop complex, very steep (NBF). This map unit consists of shallow, somewhat excessively drained Nassau soils; deep well drained Bath soils; and Rock outcrop or bedrock exposures that are intermingled mainly with the Nassau soils. These soils formed in glacial till. The Nassau soil general is on the upper one-half to two-thirds of the slope, and the Bath soil is on the lower part. Rock outcrop is on the hillsides, valleysides, and mountains. Slope ranges from 35 to 65 percent. Most areas are long and narrow in shape and are 10 to 100 acres in size. This unit is made up of about 40 percent Nassau shaly silt loam and very shaly silt loam, 25 percent Bath gravelly silt loam and gravelly loam, 20 percent Rock outcrop, and 15 percent other soils. These soils and the Rock outcrop form such an intricate pattern that they are not shown separately on the soil map. The Bath soil may have a perched water table from 2 to 4 feet below the grade from November to March, with the Nassau soil having a high-water table of greater than 6 feet. Bedrock is 40 inches below grade in the Bath soils, and 10 to 20 inches below grade in the Nassau soils. The bedrock is hard in the Bath soil and rippable in the Nassau soil. The Bath soil is a coarse-loamy mixed mesic Typic Fragiochrepts, while the Nassau soil is a loamy-skeletal, mixed, mesic Lithic Dystrochrept. This mapping unit has a 0% hydric soil rating.
- Volusia channery silt loam, 0 to 8 percent slopes, very stony (VSB). These deep, very stony, somewhat poorly drained soils formed in glacial till. They are on foot slopes and on undulating

hilltops and plains. Slopes are concave and uniform. They range from 3 to 8 percent. Areas are long and narrow or irregular in shape and are 10 to 150 acres in size. This soil has a perched water table at a depth of 0.5 to 1.5 inches below grade from December to May. The depth to bedrock is greater than 60 inches. This soil is a fine-loamy mixed mesic Aeric Fragiaguet. This soil has a hydric soil rating of 5%.

One soil mapped in the Project study area has a hydric soil rating of greater than 0 percent. Volusia channery silt loam has a hydric soil rating of 5%. This rating indicates the percentage of the soils in a map unit that is likely to be hydric. The Palms soil is at the bottom of a steep slope off-site.

3.3 Wetlands and Streams

There are two NYSDEC Wetland mapped in the vicinity of the Project Study Area.

NYSDEC wetland, KE-3, Class 2 is located outside of the Project parcel; the NYSDEC maps this as 65.3-acre wetland.

NYSDEC wetland, KE-7, Class 2 is located outside of the Project parcel; the NYSDEC maps this as 28.9-acre wetland.

The National Wetland Inventory (NWI⁴) shows wetlands and streams mapped adjacent to the site outside of the Project Study Area. The NWI mapping is not a regulatory map but rather a tool for identifying the location of the potential wetlands in the field.

See Figures in Attachment A. The identification of wetlands and delineation of their boundaries was carried out according to the methods in the Corps of Engineers delineation manual (Environmental Laboratory, 1987) and the regional supplement to that manual (USACOE, 2011). The associated wetland delineation report provides a description of all wetlands found on the Project Study Area and includes a copy of the wetland delineation map. A more detailed description of wetlands on the Project Study Area can be found in the delineation report.

3.4 Ecological Communities

Following are descriptions of the plant communities found on the Project Study Area, as defined according to the ecological community classification system used by the New York Natural Heritage Program (Edinger et al. 2014). These descriptions are provided for general information relative to habitat requirements of endangered species.

- Appalachian Oak-hickory forest: The majority of this site is forested and includes rolling topography. Shallow bedrock was encountered throughout the site and the trees are likely old growth with moderate size due to the root restriction. The forest on-site is dominated by mature trees including chestnut oak, red oak, white oak, shagbark hickory, sugar maple, and black cherry. A sparse herbaceous layer included wintergreen, spotted wintergreen, and Christmas fern. This community is throughout the Project Site. See Attachment D, Photo 3, 4, 7, 8, 11, 12, 15 and 16.

⁴ USFWS. 2018. National Wetlands Inventory surface waters and wetlands.
<https://www.fws.gov/wetlands/data/Mapper.htm>. Reviewed August 9, 2018.

- Red Maple-hardwood swamp: Several of the wetland systems found on-site can be categorized as red maple hardwood swamps, including Wetland A, B, C, and D. These wetlands lie within depressions and one (Wetland C) is associated with an off-site stream. The wetlands are dominated by red maple, American hornbeam, and sensitive fern. highbush blueberry, and spicebush were the main shrubs identified in these wetlands. See Attachment D, Photos 1, 2, 5, 6, 9, and 13.
- Shrub swamp: One of the wetland systems found on-site can be categorized as a shrub swamp, Wetland E. This wetland lies within a depression. The wetland is dominated by spicebush, highbush blueberry, and sensitive fern. Highbush blueberry and spicebush were the main shrubs identified.

3.5 Natural Communities and Significant Coastal Fish and Wildlife Communities

As stated in Section 2.3, the NYNHP letter response did not indicate a significant natural community in the vicinity of the Project Study Area.

Additionally, there are no Significant Coastal Fish and Wildlife Communities in the vicinity of the Project Study Area.

3.6 Surrounding Landscape

The surrounding land use includes residential and commercial development, solar array, surface mining, and un-developed forest.

4. ANALYSIS OF POTENTIAL OCCURRENCE AND IMPACTS TO SPECIES AND HABITATS

Attachment B contains a Species Conclusion Table which describes the potential for species to be present in the Project Study Area and potential impacts to the species given the proposed project. The contents of that table are summarized below.

Given the nature of this project, the project requires “administrative” approvals under the Federal Energy Regulatory Commission (FERC). Specifically, this includes a Market Based Rate Authority and a Wholesale Generator Status. These are not discretionary reviews for FERC, but we anticipate a requirement of FERC that there is a demonstration of compliance with NEPA regulations and associated federal regulations including Article 7 of the Endangered Species Act.

Indiana Bat: The USFWS identifies both the Indiana bat and the Northern Long-Eared Bat in the range of the Project Study Area. There is a hibernaculum identified by the NYSDEC within 2 miles of the site, but it is not identified as containing Indiana bat. There are no NYSDEC records of summer occurrence for Indiana bat within the Project Study Area. The project will involve the removal of approximately 2.73 acres of trees for the facility, parking lot, and driveway, but no significant habitat removal (i.e., not greater than 10 acres of trees) given the managed nature of the landscape. In order to ensure no take of Indiana bat, any removal of trees greater than 3” dbh will occur between November 1 and March 31 when bats are in hibernacula. Therefore, a determination of Not Likely to Adversely Affect is made for this species under Section 7 of the federal Endangered Species Act.

There is no coordination needed with the NYSDEC, as there are no NYSDEC occurrence records on site.

Northern Long-eared Bat: The northern long-eared bat was identified by the NYSDEC in occurrence records as there is a hibernaculum 2 miles distant from the site. There is no NYSDEC record of summer

occurrences of Indiana or northern long eared bat in the vicinity of the Project Study Area. The USFWS identifies the northern long-eared bat as a winter occurrence in the range of the Project Study Area. The project will not impact the hibernacula, located 2 miles distant from the site. The project will involve the removal of approximately 2.73 acres of trees for the facility, parking lot, and driveway, but no significant habitat removal (i.e., not greater than 10 acres of trees). Any removal of trees greater than 3" dbh will occur between November 1 and March 31, when bats are in hibernacula. A determination of Not Likely to Adversely Affect is identified under Section 7 of the federal Endangered Species Act.

For the NYSDEC, this timeframe is consistent with the NYSDEC Protection of northern long-eared bats guidelines, and no additional review is required.

Bog turtle: This is a species that is state-listed endangered and federally-listed as threatened. The USFWS identifies this species as being in the range of the Project Study Area. The species was not identified in the NYNHP occurrence record data for the Project Study Area. The closest known record for this species is 30 miles to the south. Given the lack of records by the NYSDEC, this is a USFWS issue only. Wetlands on-site were evaluated by a USFWS qualified bog turtle surveyor and did not meet the suitability criteria for Vegetation, Hydrology, or Soils. Given the species habitat requirements and the lack of suitable habitat within wetlands in the Project Study Area, this species is not anticipated to be found in the Project Study Area. A determination of No Effect is identified under Section 7 of the federal Endangered Species Act.

5. LITERATURE CITED

Edinger, G. J., D. J. Evans, S. Gebauer, T. G. Howard, D. M. Hunt, and A. M. Olivero (editors). 2014.

Ecological Communities of New York State. Second Edition. A revised and expanded version of Carol Reschke's *Ecological Communities of New York State*. New York Natural Heritage Program, New York Department of Environmental Conservation, Albany, NY.

Environmental Laboratory. 1987. *Corps of Engineers wetlands delineation manual*. Technical Report Y-87-1. Vicksburg, MS: U.S. Army Engineer Waterways Experiment Station.
(<http://el.erdc.usace.army.mil/wetlands/pdfs/wlman87.pdf>)

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ATTACHMENT A

Background Mapping Review

Figure A-1 Site Location Map

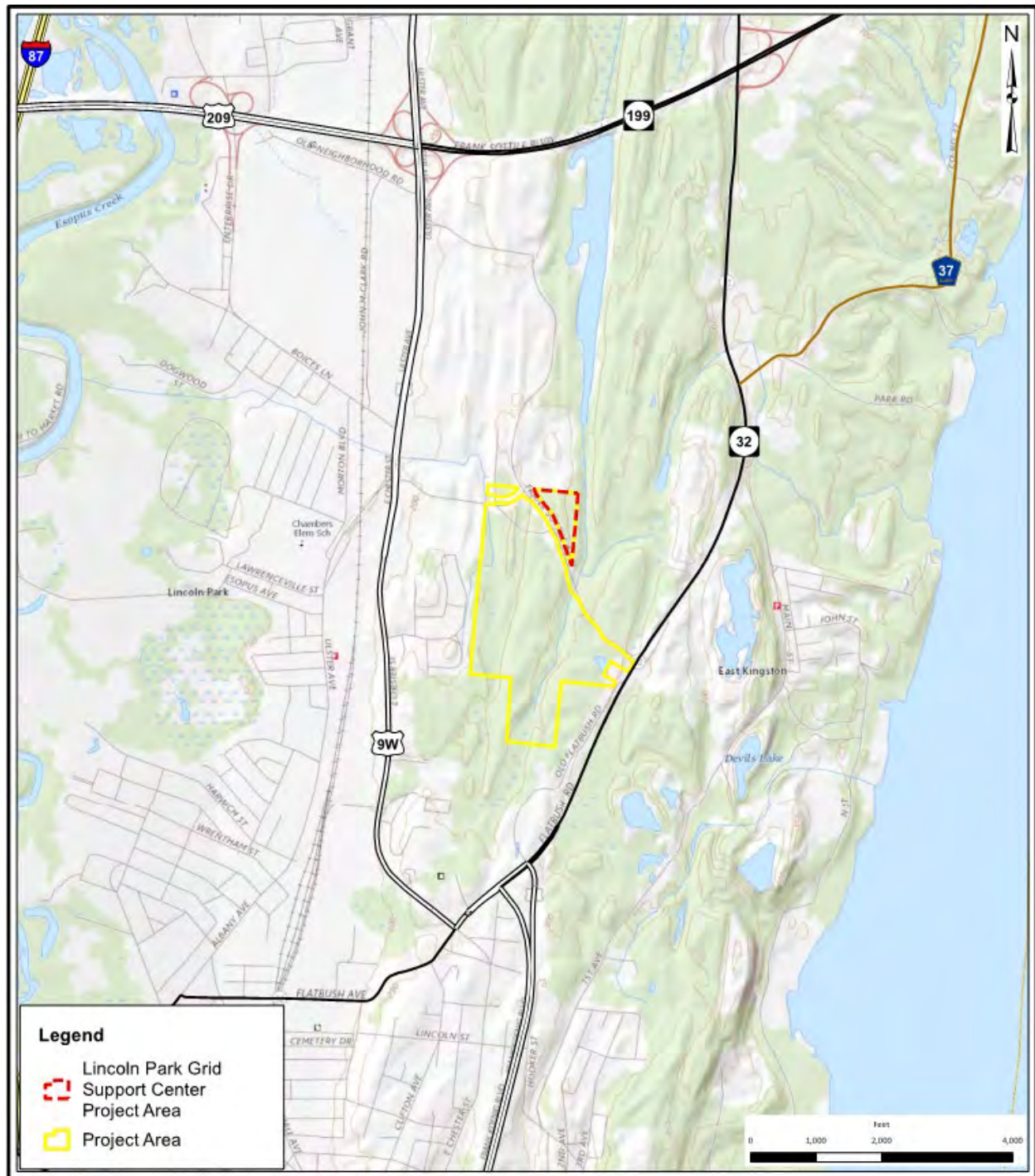
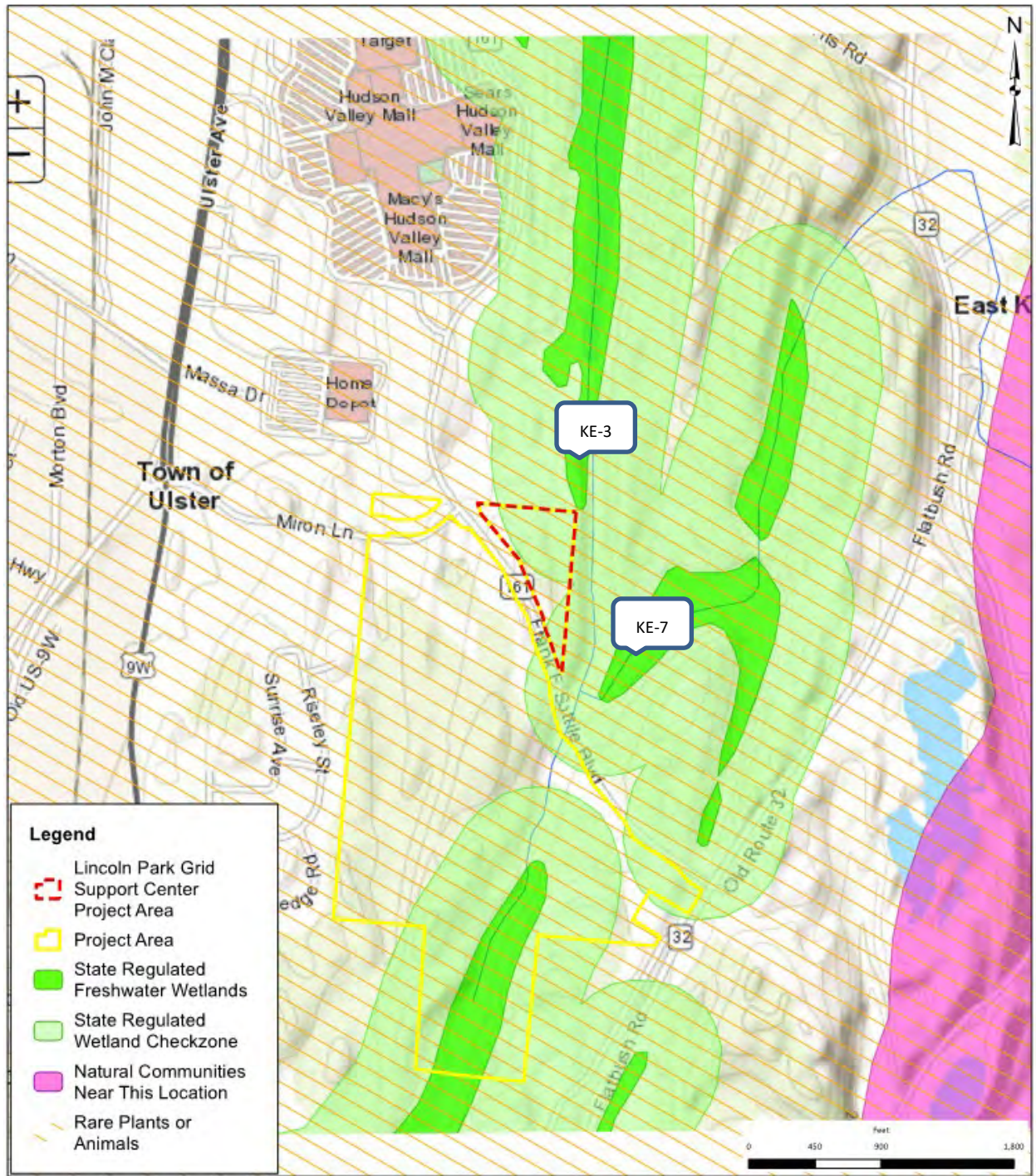


Figure 2 Orthophoto of the Project Area



Figure A-3 NYSDEC Rare, Threatened, and Endangered Species Mapping



ATTACHMENT B

USFWS Official Species List Species Conclusion Table



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:

February 22, 2019

Consultation Code: 05E1NY00-2019-SLI-1137

Event Code: 05E1NY00-2019-E-03524

Project Name: Glidepath Ulster

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: 05E1NY00-2019-SLI-1137

Event Code: 05E1NY00-2019-E-03524

Project Name: Glidepath Ulster

Project Type: POWER GENERATION

Project Description: Proposed battery storage site

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.958386686481546N73.98081985023971W>



Counties: Ulster, NY

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

-
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

Critical habitats

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

Species Conclusions Table – Section 7 Endangered Species Act

Project Name: Lincoln Park Grid Support Center

Date: March 25, 2019

Species Name	Potential Habitat Present?	Species Present?	Piping Plover Critical Habitat Present?	ESA / Eagle Act Determination (REQUIRED) (e.g. no effect, may affect but not likely to adversely affect, likely to adversely affect, no take, may affect but 4(d) rule).	Notes / Documentation Summary (include full rationale in your report)
Bog Turtle (<i>Clemmys muhlenbergii</i>)	No	No	No	No Effect	<u>Bog turtle</u> : In the Hudson Housatonic Recovery Unit bog turtles are most often found in fens and wet meadow wetlands that are spring fed and underlain by mucky soils. No fens or wet meadows were found in the Project Study Area that contain suitable hydrology and soils for this species. Five wetlands are found within this Project Study Area, and none of them have suitable Bog turtle habitat characteristics as determined by a qualified bog turtle surveyor. A determination of No Effect is made.
Indiana Bat (<i>Myotis sodalis</i>)	No	No	No	Not Likely To Adversely Affect	<u>Indiana bat</u> : On a site like this, which does not possess a cavern or mine that could be used by bats as a hibernaculum, the habitat of concern would be trees that could serve as summertime roosts for maternity colonies. While a bat hibernaculum is 1.5 miles away, we do not believe this hibernacula is known to be used by Indiana bat as there are no state occurrence records for the species on the site.. From mid-spring to early fall, female Indiana bats and their young spend the daytime hours congregated in roost trees, generally sheltering in cavities or under exfoliating bark on dead trees, or under shaggy bark or in deeply furrowed bark of living trees ¹ . There are no NYNHP occurrence records on or in the immediate vicinity of the Project Study Area. Approximately 2.73 acres of tree removal will be required. The removal of these trees is not significant from a habitat standpoint. Cutting of trees on the project site will be prohibited between April 1 and October

¹ Whittaker, John O., Jr. and William J. Hamilton, Jr. 1998. Mammals of the Eastern United States. 3rd ed., pp. 103-106. Cornell University Press. Ithaca & London.

					31, as recommended in the Indiana bat protection guidelines ² . Given these measures, a determination of Not Likely to Adversely Affect is made.
Northern long-eared bat (<i>Myotis septentrionalis</i>)	No	No	No	Not Likely to Adversely Affect	<p><u>Northern long-eared bat</u>: On a site like this, which does not possess a cavern or mine that could be used by bats as a hibernaculum, the habitat of concern would be trees that could serve as summertime roosts for maternity colonies. The nearest hibernaculum is 1.5 miles away. From mid-spring to early fall, female northern long-eared bats and their young spend the daytime hours congregated in roost trees, generally sheltering in cavities or under exfoliating bark on dead trees, or under shaggy bark or in deeply furrowed bark of living trees³. There are no NYNHP occurrence records for northern long-eared bat on the site, though a hibernaculum is identified to be within 1.5 miles of the Project Study Area. No summer occurrence records were reported for this town. Approximately 2.73 acres of trees will be removed. The removal of these trees is not significant from a habitat standpoint. To avoid Take for this species, cutting of trees on the project site will be prohibited between April 1 and October 31, as recommended in bat protection guidelines⁴. Given these measures, a determination of Not Likely to Adversely Affect is made.</p> <p>Tree removal is in compliance with the NYSDEC Protection of Northern Long Eared Bat guidelines.</p>

² Range-wide Indiana Bat Protection and Enhancement Plan Guidelines. 2009. U.S. Fish and Wildlife Service, Interstate Mining Compact Commission, and U.S. Dept. of the Interior, Office of Surface Mining. p. 9. Available on the internet at <http://www.fws.gov/frankfort/pdf/inbatpepguidelines.pdf>.

³ Whittaker, John O., Jr. and William J. Hamilton, Jr. 1998. Mammals of the Eastern United States. 3rd ed., pp. 103-106. Cornell University Press. Ithaca & London.

⁴ Range-wide Indiana Bat Protection and Enhancement Plan Guidelines. 2009. U.S. Fish and Wildlife Service, Interstate Mining Compact Commission, and U.S. Dept. of the Interior, Office of Surface Mining. p. 9. Available on the internet at <http://www.fws.gov/frankfort/pdf/inbatpepguidelines.pdf>.

ATTACHMENT C

NYNHP List

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

March 19, 2019

David MacDougall
The Chazen Companies
547 River Street
Troy, NY 12180

Re: Lincoln Park Grid Support Center
County: Ulster Town/City: Ulster

Dear Mr. MacDougall:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities at the project site or in its immediate vicinity.

Within two miles of the project site is a documented hibernaculum of **Northern long-eared bat** (*Myotis septentrionalis*, state and federally listed as Threatened). The bats may travel five miles or more from documented locations. The main impact of concern for bats is the cutting or removal of potential roost trees. For information about any permit considerations for your project, please contact the NYS DEC Region 3 Office, Division of Environmental Permits at dep.r3@dec.ny.gov, (845) 256-3054.

For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on 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 resources may be required to fully assess impacts on biological resources.

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, as described above.

Sincerely,



Heidi Krahling
Environmental Review Specialist
New York Natural Heritage Program

ATTACHMENT D

Photographs of the Project Site



Photo #1

Description: View north of Wetland A. This wetland contains forested and ponded habitat.



Photo #2

Description: View east of Wetland A.



Photo #3

Description: View south of the upland forest adjacent to Wetland A.



Photo #4

Description: View west of the upland forest adjacent to Wetland A.



Photo #5

Description: View north of Wetland B a forested wetland.



Photo #6

Description: View south of Wetland B.



Photo #7

Description: View west of the upland forest adjacent to Wetland B.

a



Photo #8

Description: View north of the upland forest adjacent to Wetland B.



Photo #9

Description: View south of a portion of Wetland C.

a



Photo #10

Description: View east of the off-site stream that is partially fed by Wetland C.



Photo #11

Description: View east of the upland forest adjacent to Wetland C.

a



Photo #12

Description: View west of the upland forest adjacent to Wetland C.



Photo #13

Description: View north of Wetland D a forested wetland between rock outcrops.

a



Photo #14

Description: View south of the southern tip of Wetland D.



Photo #15

Description: View north of the forested upland between Wetlands D and E.

a



Photo #16

Description: View south of the forested upland between Wetlands D and E.