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## Appendix D

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**New York State Department of Environmental Conservation**  
**Division of Fish, Wildlife & Marine Resources**  
**New York Natural Heritage Program**  
625 Broadway, 5<sup>th</sup> floor, Albany, New York 12233-4757  
**Phone:** (518) 402-8935 • **FAX:** (518) 402-8925  
**Website:** [www.dec.state.ny](http://www.dec.state.ny).



December 20, 2006

Stephanie Micucci  
Tetra Tech, Inc  
133 Federal St, 6<sup>th</sup> floor  
Boston, MA 02110

Dear Ms. Micucci:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Central Hudson Gas & Elec. Corp. WM Transmission Line Rebuild Project, - Overhead Lines - area as indicated on the map you provided, located in Orange County.

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. The information contained in this report is considered sensitive and should not be released to the public without permission from the New York Natural Heritage Program.

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 permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement on presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

Our databases are 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.

Sincerely,

*Tara Seoane*  
Tara Seoane, Information Services  
NY Natural Heritage Program

Enc.

cc: Reg. 3, Wildlife Mgr.  
Reg. 3, Fisheries Mgr.  
Peter Nye, Endangered Species Unit, Albany

# Natural Heritage Report on Rare Species



NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor,  
Albany, NY 12233-4757  
(518) 402-8935

~This report contains **SENSITIVE** information that should not be released to the public without permission from the NY Natural Heritage Program.  
~Refer to the User's Guide for explanations of codes, ranks and fields.  
~We do not provide maps for species most vulnerable to disturbance.

## Natural Heritage Report on Rare Species and Ecological Communities



### MAMMALS

***Myotis sodalis***  
Indiana Bat

**NY Legal Status:** Endangered

**NYS Rank:** S1 - Critically imperiled

Office Use

11288

**Federal Listing:** Endangered

**Global Rank:** G2 - Imperiled

ESU

**County:** Orange

**Town:** Crawford, Wawayanda, Minisink, Warwick, Montgomery, Blooming Grove, New Windsor, Hamptonbu

**Location:** Documented within 2 miles of project site. Animals can move 2 miles or more from documented locations. For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.

1 Records Processed

## USERS GUIDE TO NY NATURAL HERITAGE DATA

New York Natural Heritage Program, 625 Broadway, 5<sup>th</sup> Floor, Albany, NY 12233-4757 phone: (518) 402-8935



**NATURAL HERITAGE PROGRAM:** The NY Natural Heritage Program is a partnership between the NYS Department of Environmental Conservation (NYS DEC) and The Nature Conservancy. Our mission is to enable and enhance conservation of rare animals, rare plants, and significant communities. We accomplish this mission by combining thorough field inventories, scientific analyses, expert interpretation, and the most comprehensive database on New York's distinctive biodiversity to deliver the highest quality information for natural resource planning, protection, and management.

**DATA SENSITIVITY:** The data provided in the report are ecologically sensitive and should be treated in a sensitive manner. The report is for your in-house use and should **not** be released, distributed or incorporated in a public document without prior permission from the Natural Heritage Program.

**EO RANK:** A letter code for the quality of the occurrence of the rare species or significant natural community, based on population size or area, condition, and landscape context.

A-E = Extant: A=Excellent, B=Good, C=Fair, D=Poor, E=Extant but with insufficient data to assign a rank of A-D.

F = Failed to find. Did not locate species during a limited search, but habitat is still there and further field work is justified.

H = Historical. Historical occurrence without any recent field information.

X = Extirpated. Field/other data indicates element/habitat is destroyed and the element no longer exists at this location.

U = Extant/Historical status uncertain.

Blank = Not assigned.

**LAST REPORT:** The date that the rare species or significant natural community was last observed at this location, as documented in the Natural Heritage databases. The format is most often YYYY-MM-DD.

### NY LEGAL STATUS – Animals:

Categories of Endangered and Threatened species are defined in New York State Environmental Conservation Law section 11-0535. Endangered, Threatened, and Special Concern species are listed in regulation 6NYCRR 182.5.

**E - Endangered Species:** any species which meet one of the following criteria:

- Any native species in imminent danger of extirpation or extinction in New York.
- Any species listed as endangered by the United States Department of the Interior, as enumerated in the Code of Federal Regulations 50 CFR 17.11.

**T - Threatened Species:** any species which meet one of the following criteria:

- Any native species likely to become an endangered species within the foreseeable future in NY.
- Any species listed as threatened by the U.S. Department of the Interior, as enumerated in the Code of the Federal Regulations 50 CFR 17.11.

**SC - Special Concern Species:** those species which are not yet recognized as endangered or threatened, but for which documented concern exists for their continued welfare in New York. Unlike the first two categories, species of special concern receive no additional legal protection under Environmental Conservation Law section 11-0535 (Endangered and Threatened Species).

**P - Protected Wildlife** (defined in Environmental Conservation Law section 11-0103): wild game, protected wild birds, and endangered species of wildlife.

**U - Unprotected** (defined in Environmental Conservation Law section 11-0103): the species may be taken at any time without limit; however a license to take may be required.

**G - Game** (defined in Environmental Conservation Law section 11-0103): any of a variety of big game or small game species as stated in the Environmental Conservation Law; many normally have an open season for at least part of the year, and are protected at other times.

### NY LEGAL STATUS – Plants:

The following categories are defined in regulation 6NYCRR part 193.3 and apply to NYS Environmental Conservation Law section 9-1503.

**E - Endangered Species:** listed species are those with:

- 5 or fewer extant sites, or
- fewer than 1,000 individuals, or
- restricted to fewer than 4 U.S.G.S. 7 ½ minute topographical maps, or
- species listed as endangered by U.S. Dept. of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.

**T - Threatened:** listed species are those with:

- 6 to fewer than 20 extant sites, or
- 1,000 to fewer than 3,000 individuals, or
- restricted to not less than 4 or more than 7 U.S.G.S. 7 and ½ minute topographical maps, or
- listed as threatened by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.



## Orange County

### Federally Listed Endangered and Threatened Species and Candidate Species

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Bald eagle	<i>Haliaeetus leucocephalus</i>	T
Bog turtle	<i>Clemmys muhlenbergii</i>	T
Indiana bat (S)	<i>Myotis sodalis</i>	E
Dwarf wedge mussel	<i>Alasmidonta heterodon</i>	E
Shortnose sturgeon <sup>1</sup>	<i>Acipenser brevirostrum</i>	E

E=Endangered T=Threatened P=Proposed C=Candidate

W=Winter S=Summer

<sup>1</sup>Principal responsibility for this species is vested with the National Oceanic and Atmospheric Administration/Fisheries.

Information current as of: 5/8/2007

**FEDERALLY LISTED ENDANGERED AND THREATENED  
SPECIES AND CANDIDATE SPECIES LIKELY EXTIRPATED FROM NEW YORK**

This list represents the best available information and is subject to change as new information becomes available.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
ANIMALS		
American burying beetle	<i>Nicrophorus americanus</i>	E
Canada lynx	<i>Lynx canadensis</i>	T
Eastern cougar	<i>Puma (=Felis) concolor couguar</i>	E
Gray wolf	<i>Canis lupus</i>	E
Northeastern beach tiger beetle	<i>Cincindela dorsalis dorsalis</i>	T
PLANTS		
Northeastern bulrush	<i>Scirpus ancistrochaetus</i>	E
Swamp pink	<i>Helonias bullata</i>	T

