



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
Phone: (631) 286-0485 Fax: (631) 286-4003

In Reply Refer To:
Consultation Code: 05E1LI00-2021-SLI-0823
Event Code: 05E1LI00-2021-E-01933
Project Name: 25 Old Mill Road

August 04, 2021

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>

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 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 Act. 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:

Long Island Ecological Services Field Office

340 Smith Road
Shirley, NY 11967-2258
(631) 286-0485

This project's location is within the jurisdiction of multiple offices. Expect additional species list documents from the following office, and expect that the species and critical habitats in each document reflect only those that fall in the office's jurisdiction:

New York Ecological Services Field Office

3817 Luker Road
Cortland, NY 13045-9385
(607) 753-9334

Project Summary

Consultation Code: 05E1LI00-2021-SLI-0823

Event Code: 05E1LI00-2021-E-01933

Project Name: 25 Old Mill Road

Project Type: LAND - MANAGEMENT PLANS

Project Description: Project site is located at 25 Old Mill Road, SBL 55.22-1-1 & 55.37-1-31, Suffern, NY 10901

Project Location:

Approximate location of the project can be viewed in Google Maps: [https://](https://www.google.com/maps/@41.117173,-74.13571786863358,14z)

www.google.com/maps/@41.117173,-74.13571786863358,14z



Counties: Rockland County, New York

Endangered Species Act Species

There is a total of 2 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
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	Threatened

Critical habitats

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



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:

August 04, 2021

Consultation Code: 05E1NY00-2021-SLI-3723

Event Code: 05E1NY00-2021-E-11340

Project Name: 25 Old Mill Road

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 (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

This project's location is within the jurisdiction of multiple offices. Expect additional species list documents from the following office, and expect that the species and critical habitats in each document reflect only those that fall in the office's jurisdiction:

Long Island Ecological Services Field Office

340 Smith Road
Shirley, NY 11967-2258
(631) 286-0485

Project Summary

Consultation Code: 05E1NY00-2021-SLI-3723

Event Code: 05E1NY00-2021-E-11340

Project Name: 25 Old Mill Road

Project Type: LAND - MANAGEMENT PLANS

Project Description: Project site is located at 25 Old Mill Road, SBL 55.22-1-1 & 55.37-1-31, Suffern, NY 10901

Project Location:

Approximate location of the project can be viewed in Google Maps: [https://](https://www.google.com/maps/@41.117173,-74.13571786863358,14z)

www.google.com/maps/@41.117173,-74.13571786863358,14z



Counties: Rockland County, New York

Endangered Species Act Species

There is a total of 2 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
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	Threatened

Critical habitats

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

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

September 18, 2021

Shannon Rattigan
Capital Environmental Consultants, Inc.
243 Fair Street, Suite #4
Kingston, NY 12401

Re: 25 Old Mill Road
County: Rockland Town/City: Ramapo

Dear Shannon Rattigan:

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.

Within one mile of the project site are two documented locations of **Timber Rattlesnake** (*Crotalus horridus*, state listed as Threatened). Individual animals may travel 1.5 miles or more from documented locations. For information about any permit considerations for your project, please contact the Permits staff at the NYSDEC Region 3 Office, Division of Environmental Permits, at dep.r3@dec.ny.gov.

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.

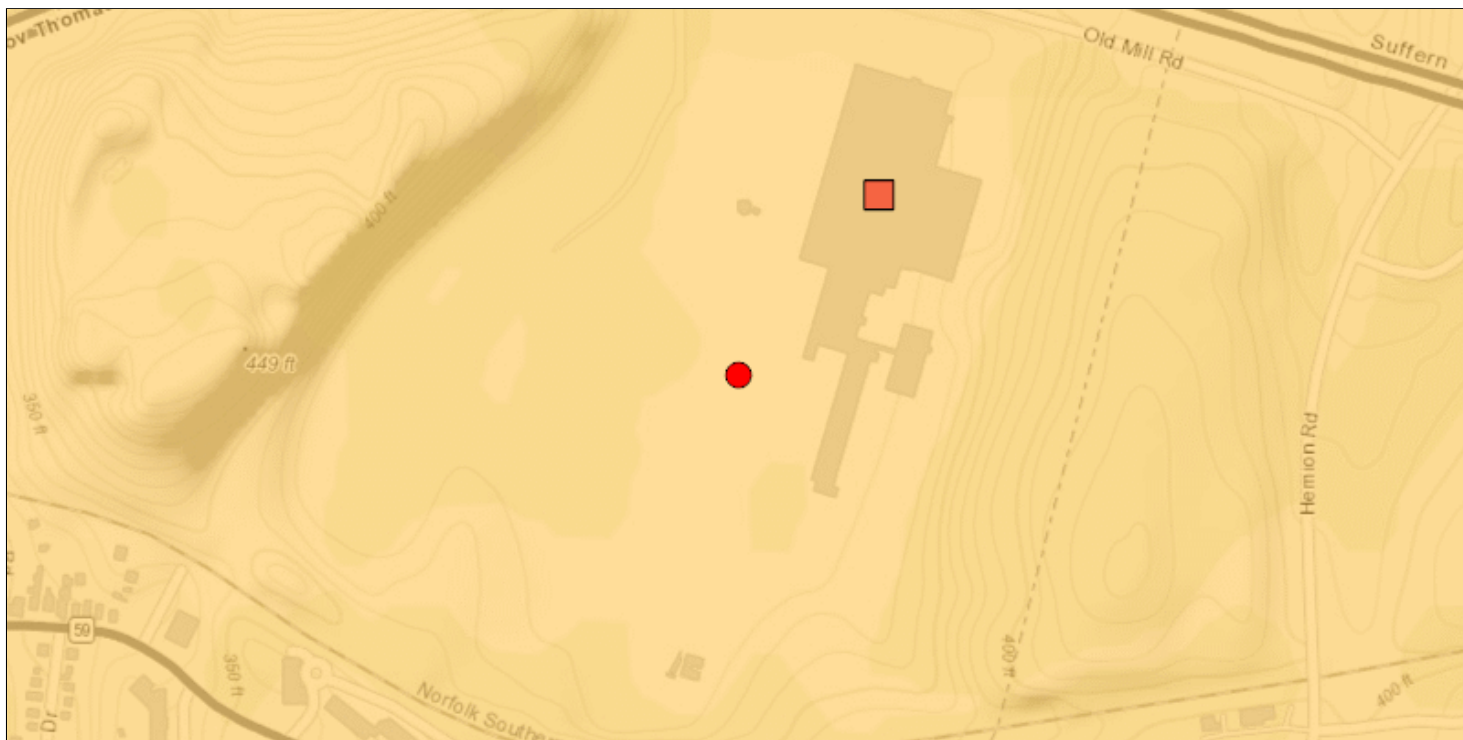
For information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the Permits staff at the NYSDEC Region 3 Office as described above.

Sincerely,



Heidi Kraehling
Environmental Review Specialist
New York Natural Heritage Program

Environmental Resource Mapper



The coordinates of the point you clicked on are:

UTM 18	Easting: 572470.7332478088	Northing: 4552149.709044838
Longitude/Latitude	Longitude: -74.13676707732152	Latitude: 41.11741714422973

The approximate address of the point you clicked on is:

Suffern, New York

County: Rockland

Town: Ramapo

Village: Suffern

USGS Quad: RAMSEY, NJ-NY

[Rare Plants and Rare Animals](#)

This location is in the vicinity of Animals Listed as Endangered or Threatened - Contact NYSDEC Regional Office

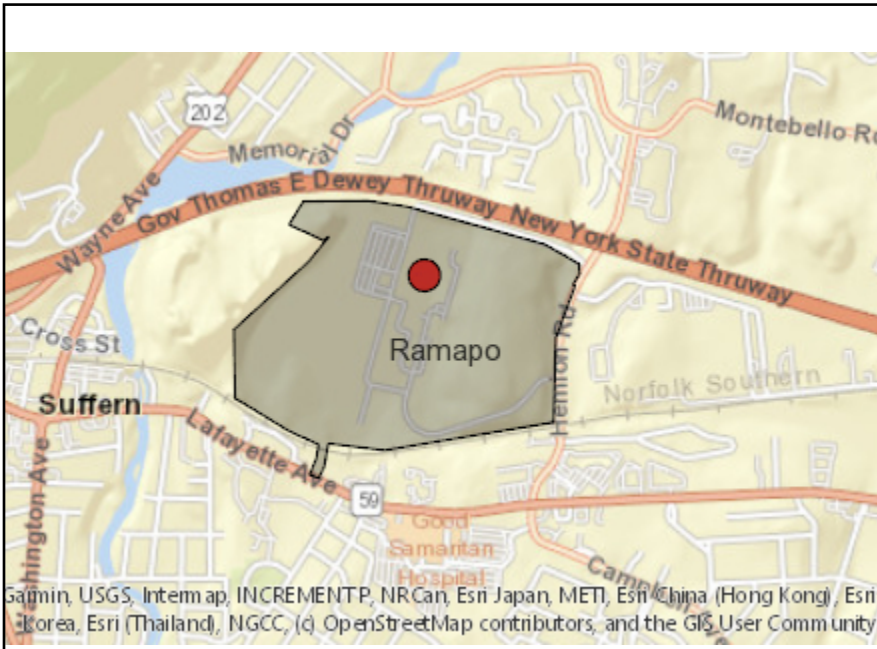
If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

Disclaimer: If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.



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]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
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]	Timber Rattlesnake
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Assistant Regional Director-Ecological Services
5600 American Blvd. West
Bloomington, MN 55437-1458
Phone: (612) 713-5350 Fax: (612) 713-5292

In Reply Refer To:
Project code: 2022-0021041
Project Name: Old Mill Road

March 17, 2022

Subject: Verification letter for the 'Old Mill Road' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Shannon Rattigan:

The U.S. Fish and Wildlife Service (Service) received on March 17, 2022 your effects determination for the 'Old Mill Road' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"^[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Bog Turtle *Glyptemys muhlenbergii* Threatened
- Monarch Butterfly *Danaus plexippus* Candidate

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Old Mill Road

2. Description

The following description was provided for the project 'Old Mill Road':

The project site is located at 25 Old Mill Road, SBL 55.22-1-1 & 55.37-1-31, Suffern, NY 10901.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.11771455,-74.1370139440481,14z>



Determination Key Result

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may

affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?
Yes
2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")
No
3. Will your activity purposefully **Take** northern long-eared bats?
No
4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?
Automatically answered
No
5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

Yes

6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?
No
 7. Will the action involve Tree Removal?
Yes
-

8. Will the action only remove hazardous trees for the protection of human life or property?

No

9. Will the action remove trees within 0.25 miles of a known northern long-eared bat hibernaculum at any time of year?

No

10. Will the action remove a known occupied northern long-eared bat maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31?

No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

14.6

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

IPaC User Contact Information

Agency: Capital Environmental Consultants, Inc.
Name: Shannon Rattigan
Address: 243 Fair Street, Suite 4
City: Kingston
State: NY
Zip: 12401
Email: srattigan@capitalenviro.com
Phone: 8453831114

Lead Agency Contact Information

Lead Agency: Army Corps of Engineers

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

September 18, 2021

Shannon Rattigan
Capital Environmental Consultants, Inc.
243 Fair Street, Suite #4
Kingston, NY 12401

Re: 25 Old Mill Road
County: Rockland Town/City: Ramapo

Dear Shannon Rattigan:

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.

Within one mile of the project site are two documented locations of **Timber Rattlesnake** (*Crotalus horridus*, state listed as Threatened). Individual animals may travel 1.5 miles or more from documented locations. For information about any permit considerations for your project, please contact the Permits staff at the NYSDEC Region 3 Office, Division of Environmental Permits, at dep.r3@dec.ny.gov.

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 Permits staff at the NYSDEC Region 3 Office as described above.

Sincerely,



Heidi Krahlung
Environmental Review Specialist
New York Natural Heritage Program

From: [Lang, Christopher X \(DEC\)](#)
To: [Greg Fleischer](#); [Kelly DeGuzman](#); [Fraatz, Michael R \(DEC\)](#)
Cc: [Shannon Rattigan](#)
Subject: Re: Pre-Application Request - 25 Old Mill Road, Suffern
Date: Monday, February 14, 2022 10:52:29 AM
Attachments: [image001.png](#)
[Outlook-utaci4kp.png](#)

Greg,

The site is separated from our known records of timber rattlesnake occurrences by barriers to snake dispersal, so impacts to this species are not likely.

No further review from DEC regarding timber rattlesnakes is necessary at this time.

Chris Lang

he/him/his

Environmental Analyst, Division of Environmental Permits

New York State Department of Environmental Conservation

21 South Putt Corners Rd, New Paltz, NY 12561

845-256-3096 (p) christopher.lang@dec.ny.gov

www.dec.ny.gov



From: Greg Fleischer <gfleischer@capitalenviro.com>
Sent: Friday, February 11, 2022 9:34 AM
To: Lang, Christopher X (DEC) <Christopher.Lang@dec.ny.gov>; Kelly DeGuzman <kdeguzman@capitalenviro.com>; Fraatz, Michael R (DEC) <Michael.Fraatz@dec.ny.gov>
Cc: Shannon Rattigan <srattigan@capitalenviro.com>
Subject: RE: Pre-Application Request - 25 Old Mill Road, Suffern

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Chris,

Good morning. Would you have a few minutes today or Monday to discuss the rattlesnakes mentioned below. Just need your thoughts on the scope of what we should be providing the Department in this case when submitting.

Thank you,

Greg

Greg Fleischer, PWS

Capital Environmental Consultants, Inc.

Mailing Address and Overnight Shipping:

243 Fair Street, Suite #4

Kingston, NY 12401

Gen: (845) 383-1114 Ext. 1

Cell: (845) 430-7665

Email: gfleischer@capitalenviro.com

Website: www.capitalenviro.com

This message contains confidential information. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute this information. If you have received this message in error, please advise Capital Environmental Consultants, Inc. immediately at (845) 383-1114 or return it promptly by email and delete the original message from your email system and/or computer database.

From: Lang, Christopher X (DEC) <Christopher.Lang@dec.ny.gov>

Sent: Thursday, August 19, 2021 9:19 AM

To: Kelly DeGuzman <kdeguzman@capitalenviro.com>; Fraatz, Michael R (DEC) <Michael.Fraatz@dec.ny.gov>

Cc: Greg Fleischer <gfleischer@capitalenviro.com>; Shannon Rattigan <srattigan@capitalenviro.com>

Subject: Re: Pre-Application Request - 25 Old Mill Road, Suffern

Kelly,

The project site is not within screening distance of any known (to DEC) records of those species. Timber rattlesnakes are the only State-listed species within screening distance for this site, but the site is separated from our known records of the species' occurrence by barriers to snake dispersal, so impacts to this species are not likely.

You may want to contact USFWS if those are federally protected species but again for DEC, we do not have records of bog turtles or northern long-eared bats near this site. Only timber rattlesnake.

Chris Lang

he/him/his

Environmental Analyst, Division of Environmental Permits

New York State Department of Environmental Conservation

21 South Putt Corners Rd, New Paltz, NY 12561

845-256-3096 (p) christopher.lang@dec.ny.gov

www.dec.ny.gov



From: Kelly DeGuzman <kdeguzman@capitalenviro.com>
Sent: Thursday, August 19, 2021 8:58 AM
To: Fraatz, Michael R (DEC) <Michael.Fraatz@dec.ny.gov>; Lang, Christopher X (DEC) <Christopher.Lang@dec.ny.gov>
Cc: Greg Fleischer <gfleischer@capitalenviro.com>; Shannon Rattigan <srattigan@capitalenviro.com>
Subject: RE: Pre-Application Request - 25 Old Mill Road, Suffern

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good morning Chris,

I'm following up on Shannon's August 9th email (below) regarding the potential presence of bog turtles and northern long-eared bats within the vicinity of the project site.

Does your office have any information regarding known locations of these species or know habitat locations of these species within the vicinity of the project site? Attached is a site survey for reference. Any help is greatly appreciated.

Thank you,
Kelly

Kelly DeGuzman
Capital Environmental Consultants, Inc.

New Mailing Address and Overnight Shipping:
243 Fair Street, Suite #4
Kingston, NY 12401

Cell: (845) 800-4998
Gen: (845) 383-1114 Ext. 1001

Email: kdeguzman@capitalenviro.com
Website: www.capitalenviro.com

This message contains confidential information. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute this information. If you have received this message in error, please advise Capital Environmental Consultants, Inc. immediately at (845) 383-1114 or return it promptly by email and delete the original message from your email system and/or computer database.

From: Shannon Rattigan <srattigan@capitalenviro.com>
Sent: Monday, August 9, 2021 3:53 PM
To: Michael.Fraatz@dec.ny.gov
Cc: Lang, Christopher X (DEC) <Christopher.Lang@dec.ny.gov>; Greg Fleischer <gfleischer@capitalenviro.com>; Kelly DeGuzman <kdeguzman@capitalenviro.com>
Subject: FW: Pre-Application Request - 25 Old Mill Road, Suffern

Michael,

Please see the below email chain regarding the potential presence of bog turtles and northern long-eared bats within the vicinity of the project site (25 Old Mill Road). I see that Chris is out of the office this week and we were wondering if there was any possibility of you or someone in your office providing us with the requested information.

Thank you,
Shannon

Shannon Rattigan
Capital Environmental Consultants, Inc.

243 Fair Street
Suite #4
Kingston, NY 12401

Office: (845) 383-1114

Email: srattigan@capitalenviro.com
Website: www.capitalenviro.com

This message contains confidential information. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute this information. If you have received this message in error, please advise Capital Environmental Consultants, Inc. immediately at (845) 383-1114 or return it promptly by email and delete the original message from your email system and/or computer database.

From: Shannon Rattigan <srattigan@capitalenviro.com>
Sent: Monday, August 9, 2021 1:55 PM
To: Lang, Christopher X (DEC) <Christopher.Lang@dec.ny.gov>
Cc: Greg Fleischer <gfleischer@capitalenviro.com>; Kelly DeGuzman <kdeguzman@capitalenviro.com>
Subject: RE: Pre-Application Request - 25 Old Mill Road, Suffern

Chris,

Thank you again for your feedback. As part of the property due diligence, we are analyzing the site for the potential presence of threatened and endangered species. The IPaC species list indicated the potential presence of bog turtles and northern long-eared bats within the vicinity of the project site. Does your office have any information regarding known locations of these species or know habitat locations of these species within the vicinity of the project site? Attached is a site survey for reference. Any help is greatly appreciated.

Thank you,
Shannon

Shannon Rattigan
Capital Environmental Consultants, Inc.

243 Fair Street
Suite #4
Kingston, NY 12401

Office: (845) 383-1114

Email: srattigan@capitalenviro.com

Website: www.capitalenviro.com

This message contains confidential information. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute this information. If you have received this message in error, please advise Capital Environmental Consultants, Inc. immediately at (845) 383-1114 or return it promptly by email and delete the original message from your email system and/or computer database.

From: Lang, Christopher X (DEC) <Christopher.Lang@dec.ny.gov>

Sent: Friday, August 6, 2021 9:22 AM

To: Shannon Rattigan <srattigan@capitalenviro.com>

Cc: Greg Fleischer <gfleischer@capitalenviro.com>; Kelly DeGuzman <kdeguzman@capitalenviro.com>; Fraatz, Michael R (DEC) <Michael.Fraatz@dec.ny.gov>

Subject: Re: Pre-Application Request - 25 Old Mill Road, Suffern

Shannon & Greg,

Thank you. Given this acreage, the wetlands on or near the project site would meet the 12.4-acre size threshold (eligible wetlands) to be regulated by New York State under Article 24 of Environmental Conservation Law. Eligible wetlands that meet the regulatory criteria but are not shown on the regulatory maps should be afforded the same level of protection as the wetlands that are currently on the regulatory map. Wetlands provide functions and benefits to the people on New York State as outlined in Article 24. All development should be planned to avoid state-regulated wetlands and the 100-foot adjacent areas to the maximum extent