

Endangered, Threatened, and Rare Species Report

NEVELE RESORT REDEVELOPMENT PROJECT

U. S. Route 209

Town of Wawarsing
Ulster County, New York

MARCH 4, 2014

last revised April 11, 2014



Engineers
Land Surveyors
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Environmental Professionals
Landscape Architects

Prepared for:

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Prepared by:

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TABLE OF CONTENTS

1. INTRODUCTION	1
2. GENERAL SITE DESCRIPTION	1
2.1 Topography	1
2.2 Soils and Bedrock Geology.....	1
2.3 Ecological Communities	2
2.4 Wetlands and Streams	3
2.5 Surrounding Landscape.....	4
3. REVIEW OF State and FEDERAL RECORDS	4
3.1 Natural Heritage Program.....	4
3.2 U.S. Fish and Wildlife Service	4
3.3 Analysis of Potential Occurrence of ETR Species	5
4. Conclusions and recommendations.....	6
5. LITERATURE CITED	7

TABLES

Table 1 Federally Listed ETR Species Potentially Occurring Near the Nevele Site	4
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FIGURES

Figure 1 Site Location Map	8
Figure 2 Soils Map.....	9
Figure 3 Ecological Communities Map.....	10
Figure 4 Mapped Wetlands and Streams.....	11

APPENDICES

- Appendix A – Wetland and Stream Delineation Map
- Appendix B – Photographs of the Project Site
- Appendix C – New York Natural Heritage Program File Report
- Appendix D – USFWS Official Species List

1. INTRODUCTION

This report documents the endangered, threatened, and rare (ETR) species known to occur on or near the Nevele Resort site, or which may potentially occur on that site. The Nevele Resort project site is located in the Town of Wawarsing, Ulster County, New York, on the east side of US Route 209, approximately 0.6 mile south of the Village of Ellenville. Figure 1 is a map of the location of the site, in the context of the US Geological Survey topographic maps of the area. All the parcels outlined in red in Figure 1, which constitute a total of 523.4 acres, are the property of the Nevele Hotel, LLC. The Area of Potential Effect (APE), the 99.5-acre area outlined in yellow, is the area where all proposed work on the project will take place.

The site currently comprises various buildings that were part of the original Nevele resort, the development of which began in 1903. It also includes a golf course, downhill ski run, and undeveloped forested land. The proposed project would involve demolition and selective renovation of the resort buildings, and redevelopment of the golf course.

On June 11th and 18th, and September 4th of 2012 and November 24, 2013, Chazen environmental scientists visited the site for the purposes of delineating the boundaries of wetlands and stream channels and to examine the vegetation, including analysis of potential habitats for rare, threatened, or endangered species. This report presents the results of the on-site studies as well as information obtained from natural resource agencies.

2. GENERAL SITE DESCRIPTION

2.1 Topography

Figure 1 is a topographic map of the section of the Town of Wawarsing where the project site is located. The site lies in the bottom of the Rondout valley, which runs along the western edge of the Shawangunk Ridge (NYSDOT, 2013). At this location, the valley is occupied by Sandburg Creek, which joins Rondout Creek approximately 2.8 miles northeast of the Nevele resort. Elevations within the Area of Potential Effect (APE) vary from 320 to 500 feet above mean sea level. On either side of the valley, the highlands within 1.5 mile of the site rise to elevations well above 1,000 feet.

2.2 Soils and Bedrock Geology

According to soil survey map data of the USDA Natural Resources Conservation Service (2011), there are 12 soil map units within the Site. Figure 2 shows those map units, over which are superimposed the boundaries of the Nevele properties and the APE of the resort renovation project.¹ Each map unit has a name based on the predominant soil type within that unit. A large proportion of the site, mainly within and near the concentration of buildings, is classified as “cut and fill land,” which reflects the disturbances from excavation and grading. For the most part, silt loams and gravelly loams are the dominant soil types. In the western part of the site, there are also some areas of soils with bedrock outcrops.

Nearly all of the soil map units within the APE are non-hydric; that is, they have no component soils that are hydric. The only map units that have hydric components are Raynham silt loam and cut and fill land, of which 10% and 5%, respectively, of the map unit areas are composed of hydric soil types.

¹ The original soil data were mapped at a scale of 1:15,840; the soil unit boundaries shown on Figure 2 are at a scale of 1:12,000, and there may be some distortion of soil boundaries.

The underlying bedrock of the Rondout valley consists of lower Devonian and Silurian sedimentary rocks, including Rondout dolostone, as well as upper Silurian rocks of the Rondout formation, which includes both dolostone and limestone (USGS, 2008). To the west of the valley, the Catskill Mountains are underlain by the middle Devonian Hamilton group, which includes shales and siltstones. The Shawangunk ridge to the east of the site is composed of the upper Silurian Bloomsburg formation with shale, sandstone, quartzite, and conglomerate, and the middle Ordovician Austin glen formation with graywacke and shale.

2.3 Ecological Communities

The ecological communities found within the APE are illustrated on Figure 3, "Ecological Communities Map." Communities on the parcels owned by Nevele Hotels LLC, but outside of the APE were identified through interpretation of aerial photographs. Following are brief descriptions of these communities, which are based on the ecological community classification system used by the New York Natural Heritage Program (Edinger et al. 2002).

Palustrine Emergent Marsh. A number of wetlands on the site are composed of this community, which is dominated by herbaceous plants (see Photos 1 and 2 in Appendix B). These include species of sedges (e.g., *Carex vulpinoidea*, *C. scoparia*, *C. crinita*, and *C. lurida*), cattail (*Typha* spp.), rushes (*Juncus effusus* and *J. tenuis*), sensitive fern (*Onoclea sensibilis*), purple loosestrife (*Lythrum salicaria*), common reed (*Phragmites australis*), spreading bent grass (*Agrostis stolonifera*), arrow-leaf tearthumb (*Persicaria sagittata*), spotted touch-me-not (*Impatiens capensis*), and goldenrods (*Solidago gigantea* and *S. rugosa*). Mixed within the emergent marshes and mowed golf course are areas of old field vegetation containing some broadleaved herbs and grasses such as Canada goldenrod (*Solidago canadensis*), common milkweed (*Asclepias syriaca*), English plantain (*Plantago lanceolata*), annual blue grass (*Poa annua*), and common timothy (*Phleum pratense*). These old field areas are too small to map individually.

Forest and Shrub Wetlands – There are small areas of forested and shrub wetlands located on the site, mainly in the eastern portion. These wetlands are dominated by The shrub swamp areas include shrubs and trees such as dogwoods (*Cornus amomum*, *C. alba*, and *C. racemosa*), northern spicebush (*Lindera benzoin*), pussy willow (*Salix discolor*), silver maple (*Acer saccharinum*), red maple (*Acer rubrum*), green ash (*Fraxinus pennsylvanica*), and American elm (*Ulmus americana*).

Streams – A variety of streams are located on this site. Sandburg Creek exits the site under Arrowhead Road to the north, and flows north. On-site it is 3rd order stream, approximately 20 to 50 feet wide. It has a sandy bottom, steep sandy banks and is meandering. A dam is located downstream of Sandburg Creek's confluence with the Delaware and Hudson Canal. The Delaware and Hudson Canal also forms the freshwater pond as described below.

Freshwater Pond. There is one freshwater pond within the APE that is not closely connected to any of the streams on site. It lies in the eastern part of the APE, just south of the lower end of the downhill ski run. The delineation of the pond and its wetlands took place in late November. Consequently, there was little evidence of the aquatic vegetation of the pond at that time. However, some aerial photos taken during the growing season indicate that the surface of the pond becomes covered with floating vegetation, possibly duckweed. Therefore, it is likely that this pond can be classified as a eutrophic pond, as defined by Edinger et al. (2002). In addition, a dam, damaged by Hurricane Irene in 2011, lies downstream of the confluence of the Delaware and Hudson Canal and Sandburg Cree, and creates a freshwater pond upstream of this dam.

Riparian Corridor - This community occurs as an upland strip running along the streams on the site, mainly Sandburg Creek and its tributary, the old Delaware and Hudson Canal. This is not an ecological community defined by Edinger et al. (2002), but consists of upland forest and shrub areas along the streams. Along Sandburg Creek, there are significant areas of Japanese knotweed along the upland banks. Trees along this area include arborvitae (*Thuja occidentalis*), locust, sugar maple (*Acer saccharum*), red maple (*Acer rubrum*), black locust (*Robinia pseudoacacia*), staghorn sumac (*Rhus typhina*). Patches of dogwood (*Cornus amomum*, *C. alba*, and *C. racemosa*) were located along the edge of the stream.

Successional Southern Hardwoods. In the westernmost part of the APE, on either side of Nevele Road, there are patches of young forest composed of young hardwood trees, such as red maple, American basswood (*Tilia americana*), American elm, and green ash, along with some white pine (*Pinus strobus*). Photo 4 in Appendix B is a view of this area.

Chestnut Oak Forest. This forest occupies most of the wooded area in the easternmost part of the APE. Chestnut oak (*Quercus prinus*), black oak (*Q. velutina*), northern red oak (*Q. rubra*), white oak (*Q. alba*), and red maple are common here (see Photo 5). In places, there is some white pine and eastern hemlock (*Tsuga canadensis*) mixed in.

Golf Course With Trees. Much of the western part of the APE consists of golf course lands with scattered or clustered trees. Although the golf course on this property has not been open for playing for several years, it has been maintained through regular mowing in order to deter the growth of undesirable plants. Photos 1 and 6 are views within the golf course.

Mowed Lawn With Trees. The areas mapped as this community type are in the eastern part of the APE, and include the downhill ski run. Although the objective of maintaining turf in this area is similar to that in the golf course area, a different quality of turf would exist here.

Urban Structure Exterior. Strictly speaking, this community type pertains to the roofs and exterior walls of buildings, which present sites for roosting and nesting of birds, bats, and other animals. The area mapped as this community type also contains small patches of mowed lawn, trees, and other landscape plantings, as well as roadways and parking lots (see Photo 7).

2.4 Wetlands and Streams

Figure 4, "Mapped Wetlands and Streams," illustrates the location of wetlands mapped by the US Fish and Wildlife Service under the National Wetlands Inventory (NWI). This is not a regulatory map but rather a tool for identifying the location of the potential wetlands in the field. This figure also illustrates the location of the streams mapped by the New York State Department of Environmental Conservation (NYSDEC). There are no NYSDEC-mapped wetlands within the area depicted in Figure 3. The wetlands mapped by the NWI that are located within the APE are mainly associated with Sandburg Creek and the old impoundment that backed up water on that creek and the tributary that is the remnant of the Delaware and Hudson Canal. Also, the NWI map identified a small, isolated wetland in the eastern part of the APE, south of the lower end of the downhill ski run.

Sandburg Creek at this location is identified as a Class B(T) NYSDEC stream, as is the tributary that is the canal remnant. A Class B stream is regulated by the NYSDEC under Article 15, "Use and Protection of Waters." Sandburg Creek empties into Rondout Creek approximately 3.2 miles downstream and to the northeast of the project site. Rondout Creek empties into the Hudson River at Kingston. The project

site is approximately 38 river miles from the Hudson River. Straight-line distance (due east) from the project site to the Hudson River is approximately 23 miles.

Chazen environmental scientists performed out the identification of wetlands and delineation of their boundaries according to the methods in the Corps of Engineers delineation manual (Environmental Laboratory, 1987) and the regional supplement to that manual (USACOE, 2011). A map of the wetland boundaries is presented in Appendix A. These wetlands are described more fully in a separate wetlands report.

2.5 Surrounding Landscape

The major part of the surrounding lands, particularly in the highlands to the east and west, is undeveloped and covered with forest. Within the Rondout valley, a small area of urbanized land lies about 0.5 mile to the north, in the Village of Ellenville. To the south, the relatively flat bottom of the valley is occupied by farmland, forest, and rural residential areas.

3. REVIEW OF STATE AND FEDERAL RECORDS

3.1 Natural Heritage Program

On January 6, 2014, a letter requesting a review of the files of the New York Natural Heritage Program (NYNHP) of the NYSDEC for records of ETR species. In their reply, dated January 15, 2014, (see Appendix C), they indicated that there was a record of a hibernaculum for timber rattlesnakes (*Crotalus horridus*) existing within 1.5 miles of the Nevele site. This reptile is listed by NYSDEC as a threatened species, but is not listed by the Federal government.

The NYNHP report also indicated that there are high quality occurrences of hemlock–northern hardwood forest and chestnut oak forest nearby, in the Shawangunk Mountains. There is no particular degree of protection associated with the “high quality occurrence” designation.

3.2 U.S. Fish and Wildlife Service

An official list of species on the Federal threatened and endangered species lists that may occur on or near the project site was obtained through the U.S. Fish and Wildlife Service’s Information, Planning, and Consultation system internet site.² A copy of that list, dated March 3, 2014, is provided in Appendix D, and the names and listing status of the species are presented in Table 1. There are no critical habitats defined for these species in New York State.

Table 1 Federally Listed ETR Species Potentially Occurring Near the Nevele Site

Common Name	Scientific Name	Federal Listing Status
Northern wild monkshood	<i>Aconitum noveboracense</i> .	Threatened
Indiana bat	<i>Myotis sodalis</i>	Endangered
Northern long-eared bat	<i>Myotis septentrionalis</i>	Proposed Endangered
Bog turtle	<i>Clemmys muhlenbergii</i>	Threatened

² <http://ecos.fws.gov/ipac/>, accessed March 3, 2014.

3.3 Analysis of Potential Occurrence of ETR Species

Northern Wild monkshood (*Aconitum noveboracense*): The habitat of this plant is described as the edges of “streams shaded by beech, sugar maple, yellow birch, or eastern hemlock. All existing occurrences in New York have been found on sandstone-derived rocky or sandy soils, at elevations ranging between 400 and 1000 meters” (NYNHP, 2013a). “Active and continuous cold air drainage or cold ground water flowage” is also a characteristic of northern wild monkshood habitat (Read and Hale, 1983). The only stream on site that is shaded by a forest canopy lies in the westernmost part of the site, between US Route 209 and Nevele Rd. It is at the base of a slope that might provide cold air drainage or seepage of cold groundwater. In the eastern part of the site, there is a small length (ca. 275 ft) of streambank within the area of potential effect, on the part of Sandburg Creek immediately downstream of an impoundment; however, that area is part of the golf course and has somewhat widely spaced trees that do not provide as complete shade as a forested area. That area is also unlikely to provide cold air drainage or seepage of cold groundwater. The fact that the site lies at elevations of 98 to 160 meters, which is much lower than the elevations where other colonies of northern wild monkshood are found in the region, does not favor its being found there. Also, mapping of the bedrock geology in this area (USGS, 2008) indicates that shale and siltstone are more likely to occur on the site than is the sandstone which is preferred by northern wild monkshood. After careful evaluation habitat suitable for this plant is not present on the site within the APE.

Indiana Bat (*Myotis sodalis*): 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. 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 (Whittaker and Hamilton, 1998). There are some forest patches within the Area of Potential Effect, as well as isolated trees, which may provide summer roosting habitat for the Indiana bat (see Photo 8). Large areas of trees however are not being removed. To prevent potential harm to roosting females and their young, cutting of trees on the project sit will be prohibited between March 31 and October 15, as recommended in the Indiana bat protection guidelines (USFWS, 2009).

Northern Long-Eared Bat (*Myotis septentrionalis*): 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 (Whittaker and Hamilton, 1998). Such trees do exist on the site. The prohibition of tree removal between March 31 and October 15 will protect this species.

Bog Turtle (*Clemmys [Glyptemys] muhlenbergii*): The preferred habitat of the bog turtle is described as “Sphagnum bogs, swamps, and clear, slow-moving meadow streams with muddy bottoms” (Conant and Collins, 1998). The New York Natural Heritage Program conservation guide (NYNHP, 2013b) describes the habitat as “open-canopy wet meadows, sedge meadows, and calcareous fens,” and states that “These wetlands are often fed by groundwater and the vegetation always includes various species of sedges. Other vegetation that is frequently found in southern New York bog turtle sites includes shrubby cinquefoil (*Potentilla fruticosa*), grass-of-parnassus (*Parnassia glauca*), mosses (*Sphagnum* spp.), horsetail (*Equisetum* sp.), scattered trees such as red maple (*Acer rubrum*), red cedar (*Juniperus virginianus*), and tamarack (*Larix laricina*), and scattered shrubs such as willows (*Salix* spp.), dogwood (*Cornus* spp.), and alder (*Alnus* spp.)” Sandburg Creek is the main stream in this area, and it does not meet the description of a “clear, slow-moving, meadow stream.” Rather than a muddy bottom, it has a bottom of variable composition, with sand, gravel, cobbles, and boulders. As observed during the

delineation of wetland boundaries on the project site, the vegetation of the wetlands is variable, with broad-leaved herbaceous plants, sedges, grasses, and woody plants. Some of the plants mentioned by NYNHP are found in these wetlands, whereas others, such as shrubby cinquefoil, grass-of-parnassus, and species of *Sphagnum* moss, which are indicators of fen habitats, are not present. Given that the NYNHP file report for this site does not list bog turtle as having been reported from this vicinity, and given that suitable habitat for the bog turtle is not found within the APE, it is unlikely that this species is found on-site.

Timber Rattlesnake (*Crotalus horridus*): This is the one species for which there is a recorded presence in the vicinity of the site. It is highly unlikely that the hibernaculum mentioned in the NYNHP report is within the APE, since the hibernacula of these snakes are usually in areas of loose rock talus and fractured rocky ledges on hillsides with a southern exposure (Conant and Collins, 1998; NYNHP, 2013c), and no such areas exist within the APE. Most likely, the hibernaculum is in the hills to the east or west of the site. As noted in the NYNHP report, the hibernaculum is located within 1.5 miles of the site, and timber rattlesnakes can travel 1.5 miles (or more) from the hibernaculum. Therefore, the timber rattlesnake is known to occur in the vicinity of the site. During the summer, these snakes are usually found where the rodents that they hunt are abundant, particularly in secondary growth forest. Impacts to successional southern hardwood are limited to the area between Route 290 and Nevele Road, which represents limited habitat for the species due to the presence of the two roadways. There is also a small (0.8 acre) impact in Chestnut Oak Forest associated with a connection from the casino to the equestrian center. Therefore, any habitat impacts are very limited.

Conclusions and recommendations

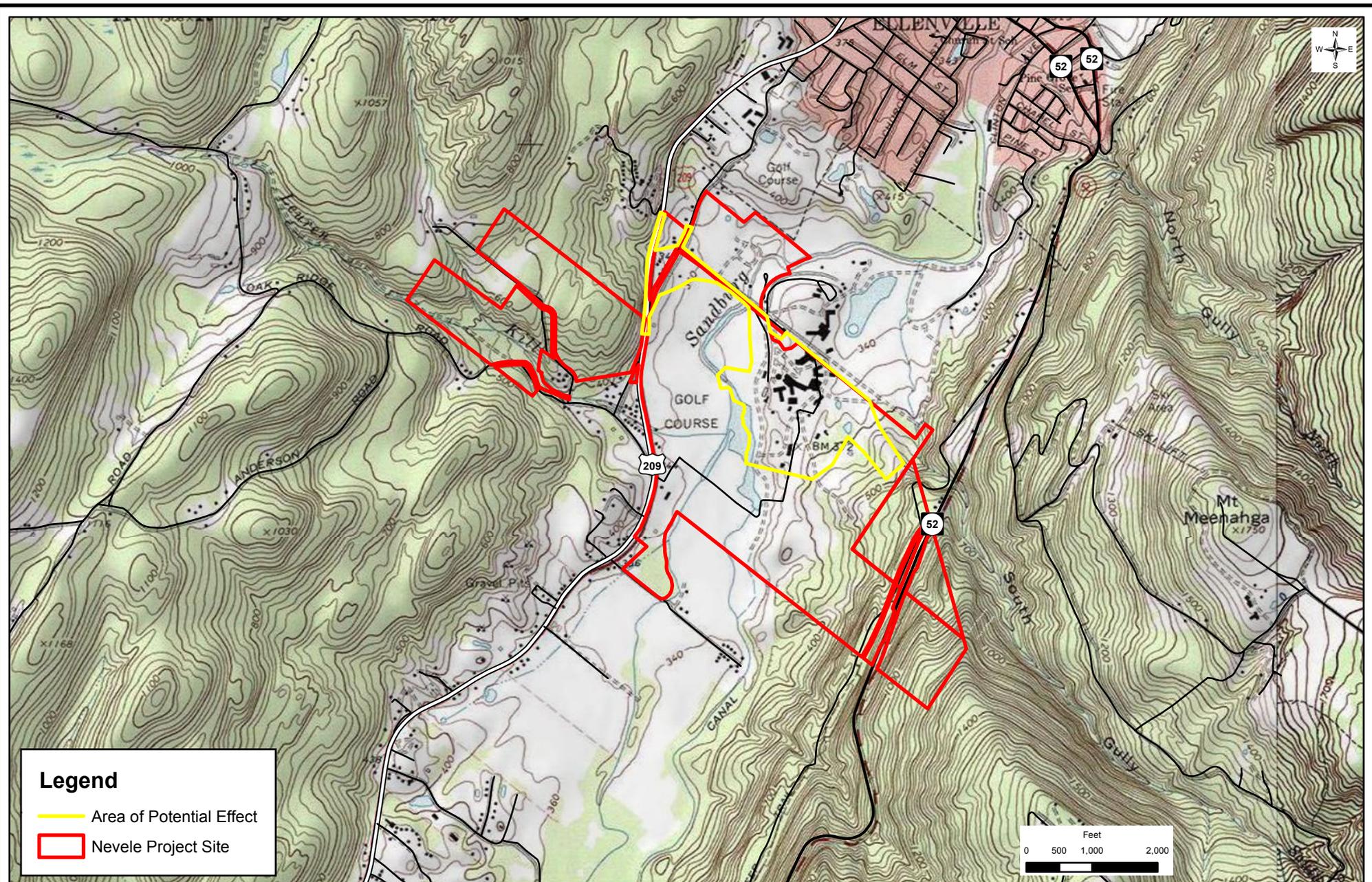
Given the habitats found on the site and recorded occurrences, there is potential for some of these species to be found on the site. The most likely species are Indiana bat, and northern long-eared bat. It is possible to undertake measures to prevent a “take” of these species. For instance, confining any non-emergency cutting of trees to the period between October 15 and March 31 will protect the two bat species from potential harm.

With regard to timber rattlesnake, during the summer, these snakes are usually found where the rodents that they hunt are abundant, particularly in secondary growth forest. Impacts to successional southern hardwood are limited to the area between Route 290 and Nevele Road, which represents limited habitat for the species due to the presence of the two roadways. There is also a small (0.8 acre) impact within the Chestnut Oak Forest associated with a connection from the casino to the equestrian center. Therefore, any habitat impacts are very limited. No significant impacts to the Timber Rattlesnake are anticipated.

Although the bog turtle is unlikely to exist on this site, if the project involves any proposed impacts to wetlands that have abundant sedges and slow flowing water, those areas should be checked for bog turtles. Similarly, the northern wild monkshood is not likely to occur there, but if any impact is proposed along a stream bordered by rocky or sandy soil, that area should be checked for the presence of monkshood during its flowering period, in July and August.

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Legend

- Area of Potential Effect
- Nevele Project Site



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Proposed Nevele Resort, Casino and Spa Redevelopment Project

Site Location Map

Town of Wawarsing - Ulster County, New York

USGS Topographic Map of the Ellenville and Napanoch New York Quadrangles

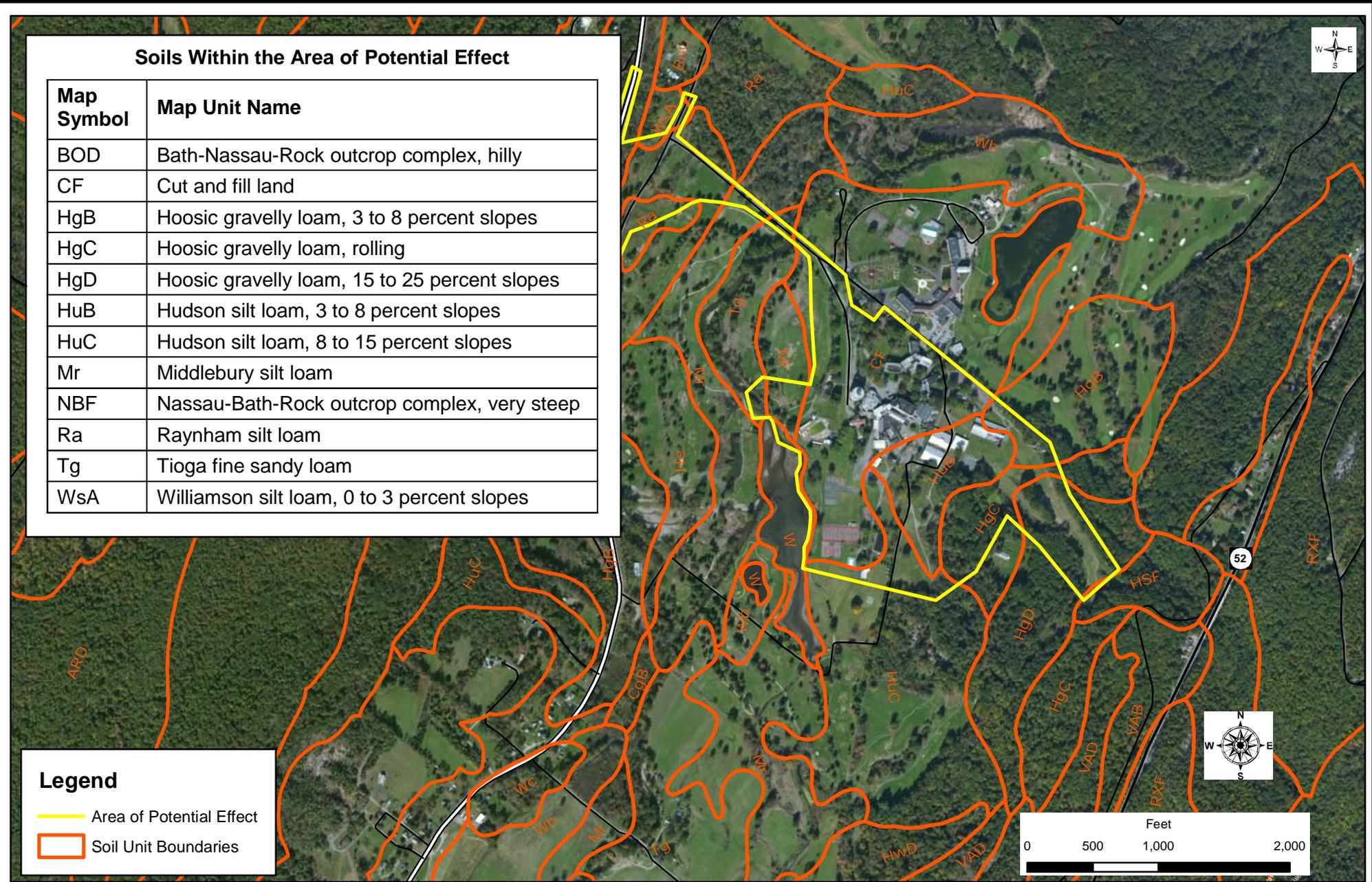
Drawn:	GHM
Date:	01/06/2014
Scale:	1:24,000
Project:	31225.00
Figure:	XX

Soils Within the Area of Potential Effect

Map Symbol	Map Unit Name
BOD	Bath-Nassau-Rock outcrop complex, hilly
CF	Cut and fill land
HgB	Hoosic gravelly loam, 3 to 8 percent slopes
HgC	Hoosic gravelly loam, rolling
HgD	Hoosic gravelly loam, 15 to 25 percent slopes
HuB	Hudson silt loam, 3 to 8 percent slopes
HuC	Hudson silt loam, 8 to 15 percent slopes
Mr	Middlebury silt loam
NBF	Nassau-Bath-Rock outcrop complex, very steep
Ra	Raynham silt loam
Tg	Tioga fine sandy loam
WsA	Williamson silt loam, 0 to 3 percent slopes

Legend

-  Area of Potential Effect
-  Soil Unit Boundaries



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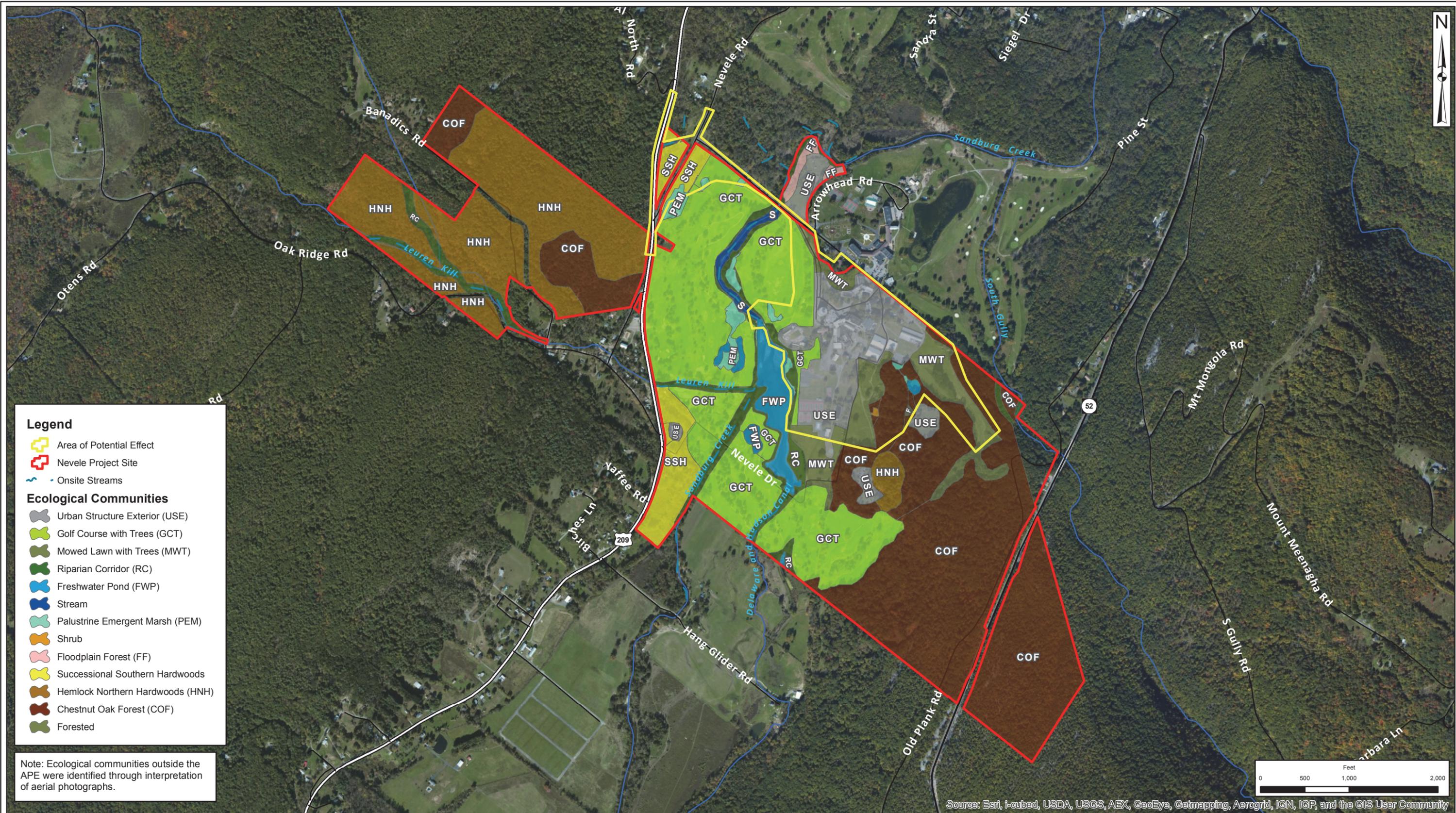
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Proposed Nevele Resort, Casino and Spa Redevelopment Project

Soils Map

Town of Wawarsing - Ulster County, New York

Drawn:	GHM, RPF
Date:	01/06/2014
Scale:	1:12,000
Project:	31225.00
Figure:	2



Legend

- Area of Potential Effect
- Nevele Project Site
- Onsite Streams

Ecological Communities

- Urban Structure Exterior (USE)
- Golf Course with Trees (GCT)
- Mowed Lawn with Trees (MWT)
- Riparian Corridor (RC)
- Freshwater Pond (FWP)
- Stream
- Palustrine Emergent Marsh (PEM)
- Shrub
- Floodplain Forest (FF)
- Successional Southern Hardwoods
- Hemlock Northern Hardwoods (HNH)
- Chestnut Oak Forest (COF)
- Forested

Note: Ecological communities outside the APE were identified through interpretation of aerial photographs.



Source: Esri, i-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

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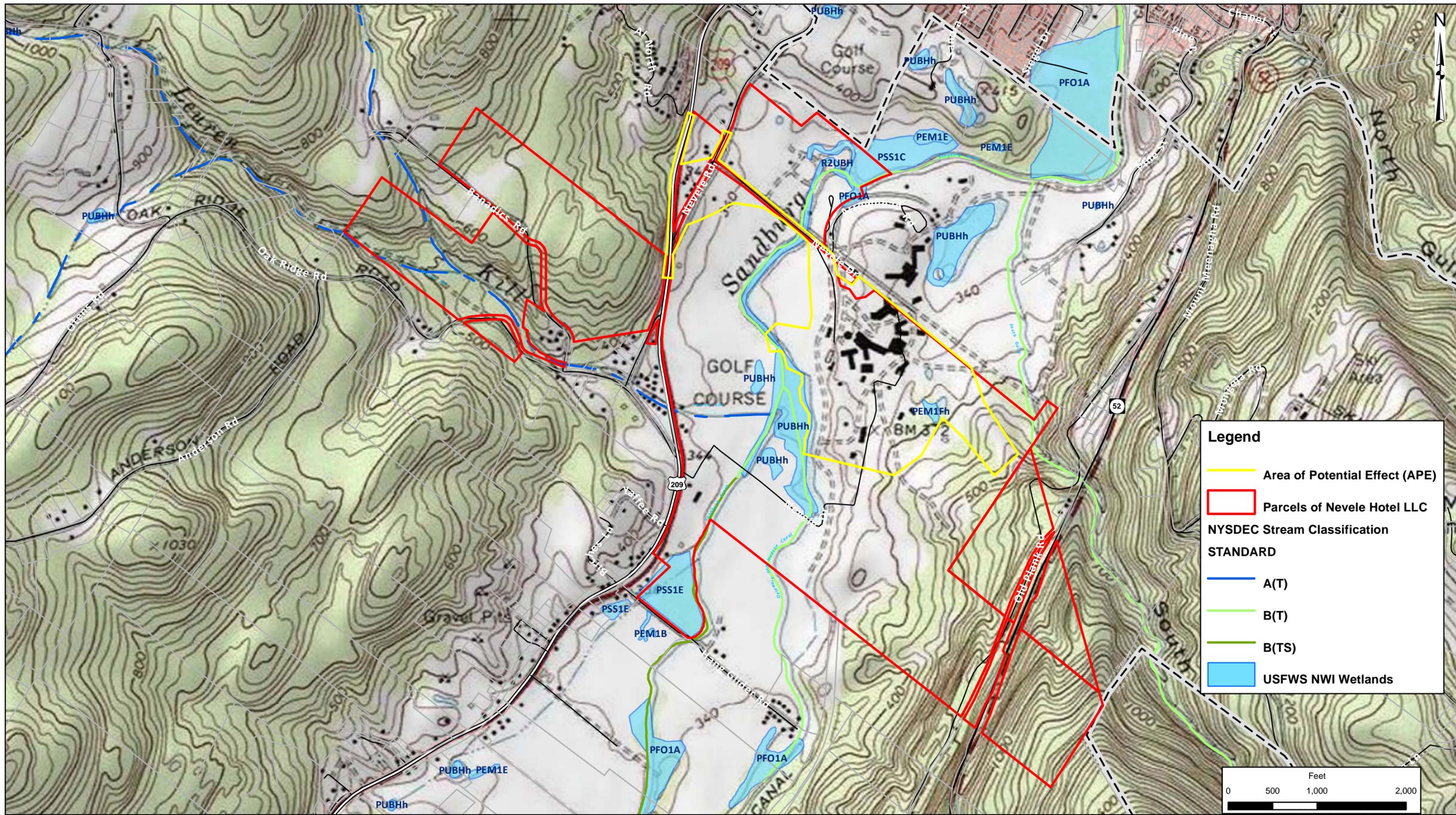
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Nevele Resort, Casino and Spa Redevelopment Project

Ecological Community/Cover Type Map

Arrowhead Road, Town of Wawarsing - Ulster County, New York

Drawn:	GHM, RPF, RL-B
Date:	04/12/14
Scale:	1 inch=1,000 feet
Project:	31225.00
Figure:	3.6.3



Legend

- Area of Potential Effect (APE)
- Parcels of Nevele Hotel LLC

NYSDEC Stream Classification STANDARD

- A(T)
- B(T)
- B(TS)

USFWS NWI Wetlands



CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTS CO., D.P.C.

Dutchess County Office: 21 Fox Street Poughkeepsie, NY. 12601 Phone: (845) 454-3980	Capital District Office: 547 River Street Troy, NY. 12180 Phone: (518) 237-0055	North Country Office: 375 Bay Road Queensbury, NY 12804 Phone: (518) 812-0513
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Proposed Nevele Resort, Casino and Spa Redevelopment Project

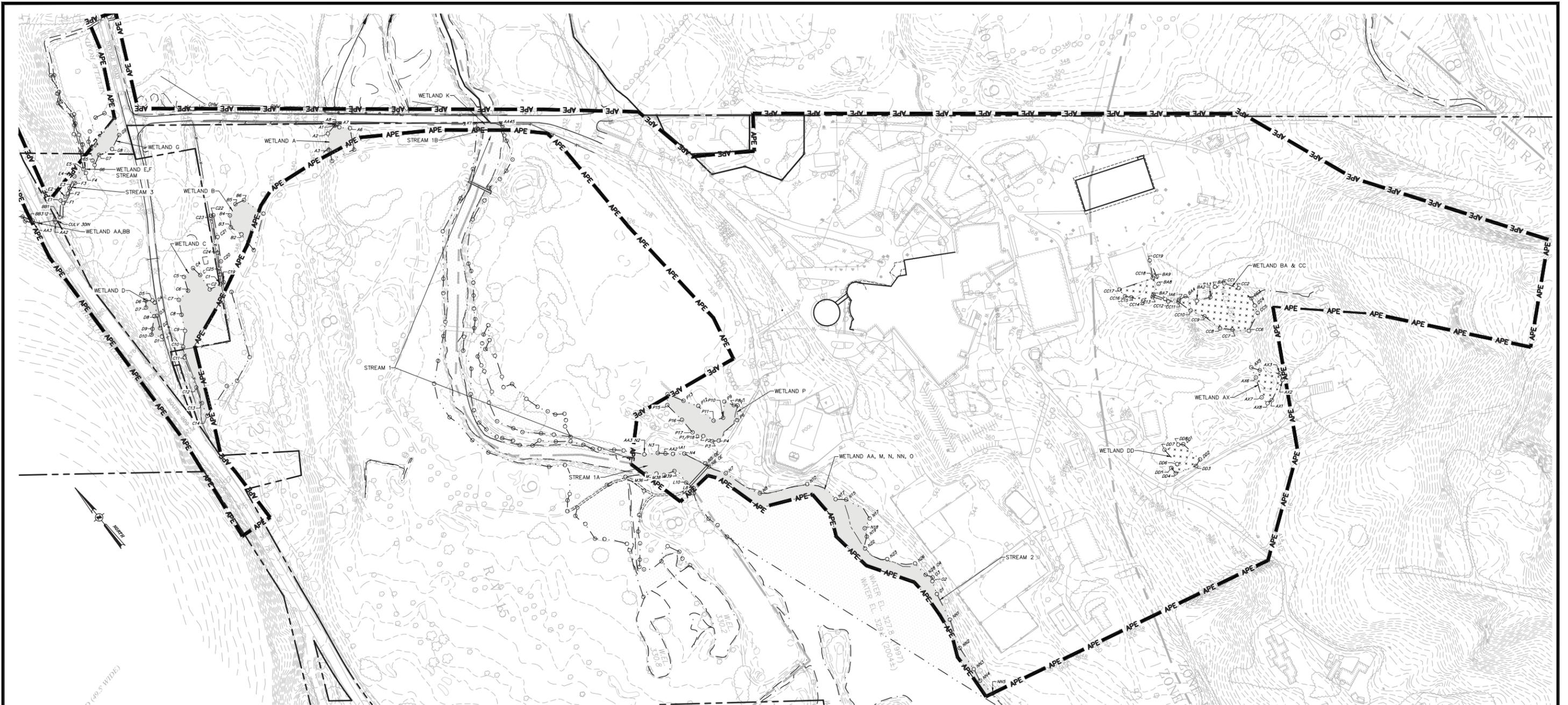
Wetlands, Streams, and Waterbodies Map

Town of Wawarsing - Ulster County, New York

Drawn:	RPF
Date:	01/14/2014
Scale:	1:12,000
Project:	31225.00
Figure:	3

APPENDIX A

Wetland and Stream Delineation Map



LEGEND:

	EXISTING FLAG NUMBER
	WETLANDS BOUNDARY
	ACOE WETLANDS
	NON-JURISDICTIONAL WETLANDS
	EXISTING TREE LINE
	EXISTING OVERHEAD WIRES
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	EDGE OF PAVEMENT
	STREAM
	EXISTING DRAINAGE DITCH
	LIMITS OF AREA OF POTENTIAL EFFECT

WETLAND TABLE						
Wetland or Stream	Jurisdiction	Area (s.f.) within APE	Centroid (on or adjacent to site)*		Cowardin Class of Wetland	Cowardin Class of Stream
			Latitude	Longitude		
Wetland A	ACOE	5,117 s.f.	41°41'10" N	74°24'21" W	PEM2	
Wetland B	ACOE	8,209 s.f.	41°41'10" N	74°24'27" W	PEM2	
Wetland C	ACOE	30,770 s.f.	41°42'09" N	74°24'31" W	PEM2	
Wetland D	ACOE	2,681 s.f.	41°42'09" N	74°24'33" W	PEM2/SS1	
Stream E,F	ACOE	2,212 s.f.	41°42'14" N	74°24'31" W		R3RB2
Wetland G	ACOE	6,008 s.f.	41°42'15" N	74°24'29" W	PEM2	
Wetland K/AAA	ACOE	1,775 s.f.	41°42'07" N	74°24'16" W	PEM2/FO1	R2UB1/2
Wetland AA/M/N/O	ACOE	70,106 s.f.	41°41'46" N	74°24'14" W	PEM2/FO1	R2UB1/2
Wetland P	ACOE	16,938 s.f.	41°41'55" N	74°24'17" W	PEM5	
Stream AA/BB	ACOE	38 s.f.	41°42'14" N	74°24'34" W		R3RB2
Wetland AX	Non-jurisdictional	6,501 s.f.	41°41'44" N	74°23'56" W	PFO1	
Wetland BA/CC	Non-jurisdictional	30,406 s.f.	41°41'48" N	74°23'57" W	PEM2/PRB2H	
Wetland DD	Non-jurisdictional	6,281 s.f.	41°41'45" N	74°24'01" W	PSS1	

*The datum of the geographic coordinates is NAD83.

SITE TABLE	
	(in acres)
Area Within JD Limits (APE)	99.51

WETLAND AREA (ACRES)	
ACOE-JURISDICTIONAL	3.30
NON-JURISDICTIONAL	0.99

- WETLAND NOTES:**
- MOST OF THE WETLANDS SHOWN WERE FLAGGED BY JENNIFER KURILOVITCH AND BARBARA BEALL OF THE CHAZEN COMPANIES ON JUNE 11 & 18, 2012.
 - ADDITIONAL WETLANDS WERE FLAGGED BY JOHN SULLIVAN, RICHARD FUTYMA AND MATTHEW HAZZARD OF THE CHAZEN COMPANIES ON NOVEMBER 25, 2013.

STREAM TABLE									
Stream	Order	Regime*	Length (ft)	Width (ft)	Latitude	Longitude	Latitude	Longitude	Jurisdiction
					Beginning Coordinates		End Coordinates		
1A	3	PRPW	259	50-60	41°41'54" N	74°24'19" W	41°41'55" N	74°24'21" W	ACOE, NYSDEC
1B	3	PRPW	69	50-60	41°42'07" N	74°24'16" W	41°42'07" N	74°24'15" W	ACOE, NYSDEC
2	1	PRPW	930	15-40	41°41'42" N	74°24'15" W	41°41'53" N	74°24'18" W	ACOE, NYSDEC
3	1	RPW	323	3-6	41°42'14" N	74°24'34" W	41°42'14" N	74°24'31" W	ACOE

* PRPW = Perennial Relatively Permanent Waterway

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0 1 2 3
ORIGINAL SCALE IN INCHES

Drawing Name: S:\31225-31225-00\Survey\DWG\31225-00_WETLANDS.dwg
User's Attached: XBASE_SVY_31225-00; XBASE_31225-00_AERIAL; XBASE_31225-00_ALTA SURVEY; XTB_31225-00_2436; XPARCELS_31225-00
Date Printed: Feb 24, 2014, 9:32am

THE Chazen COMPANIES
Engineers/Surveyors
Planners
Environmental Scientists
Landscape Architects

CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C.

Office Locations:

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rev.	date	description

NEVELE REDEVELOPMENT

OVERALL WETLAND MAP

TOWN OF WAWARSING, ULSTER COUNTY NY

designed	checked
DAP	BGW
date	scale
02/21/14	1"=150'
project no.	
31225.00	
sheet no.	
W1	
1 OF 1	

APPENDIX B

Photographs of the Project Site



Photo #1 – Palustrine emergent wetland in wetland A, in the western part of the project area, within the golf course. A golf cart path is in the middle distance.



Photo #2 – At wetland P, the palustrine emergent wetland is dominated by common reed (*Phragmites australis*).



Photo #3 - A view of the riparian wetland corridor along Sandburg Creek.



Photo #4 – The successional northern hardwoods forest community occurs in the western part of the site, near Stream 3.



Photo #5 – The chestnut oak forest community in the western part of the site, near wetland BA/CC. The trees present include chestnut oak, black oak, white oak, and eastern hemlock. (Photographed Nov. 25, 2013.)



Photo #6 – A view of the golf course near Wetland C.



Photo #7 –An example of the vegetation around some of the existing buildings on the site. (Photographed November 15, 2012).

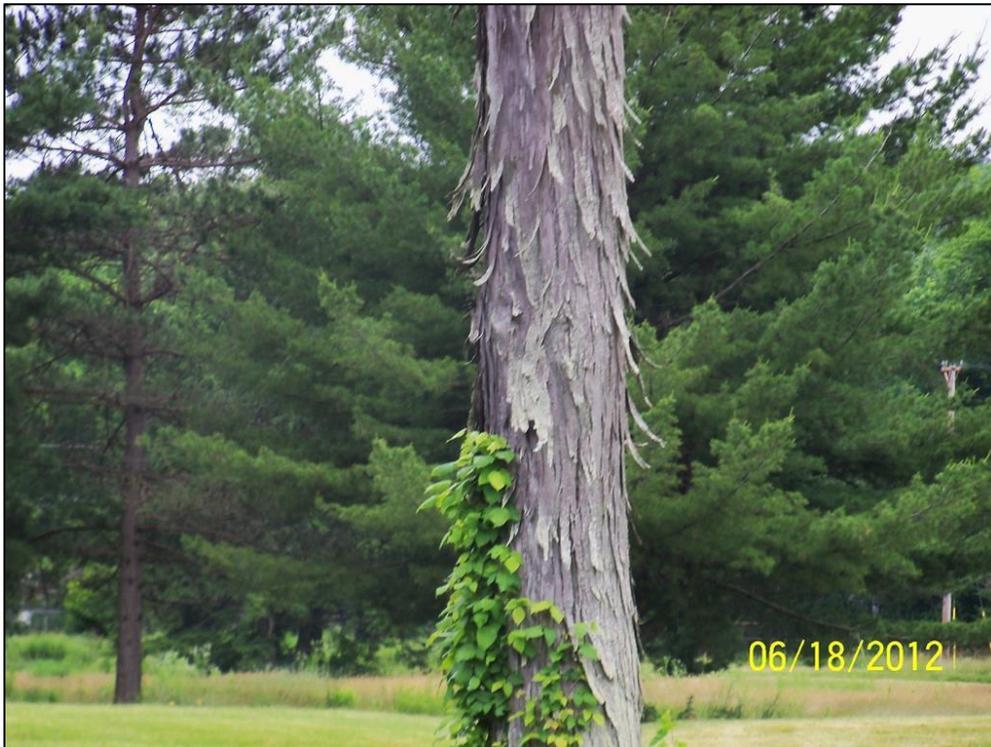


Photo #8 – A shagbark hickory (*Carya ovata*) growing in the golf course area. This is a potential roosting habitat for Indiana bats and northern long-eared bats.

APPENDIX C

New York Natural Heritage Program File Report



Engineers
Land Surveyors
Planners
Environmental Professionals
Landscape Architects

North Country Office

375 Bay Road, Queensbury, NY 12804
P: (518) 812-0513 F: (518) 812-2205
www.chazencompanies.com

Hudson Valley Office (845) 454-3980
Capital District Office (518) 273-0055

January 6, 2014

NYSDEC – Information Services
NY Natural Heritage Program
625 Broadway, 5th Floor
Albany, New York 12233-4757

*Re: Endangered, Threatened, or Rare Species
Nevele Redevelopment Project,
Town of Wawarsing, Ulster County, New York
Chazen Project #31225.00*

Dear Program Staff:

Our clients, Nevele Investors, LLC are proposing to redevelop the current Nevele Resort Property into a family resort and gaming casino. On the attached site location map, the portion of the Nevele property where work is proposed (“Area of Potential Effect”) is outlined in yellow. This area occupies approximately 99 acres east of US Route 209 and south of Nevele Drive/Arrowhead Road. The 99 acres include part of an existing resort golf course, the buildings and grounds of the original Nevele Resort, and a small ski slope. The geographic coordinates of the center of this site (NYTM) are 549684E, 4616746N.

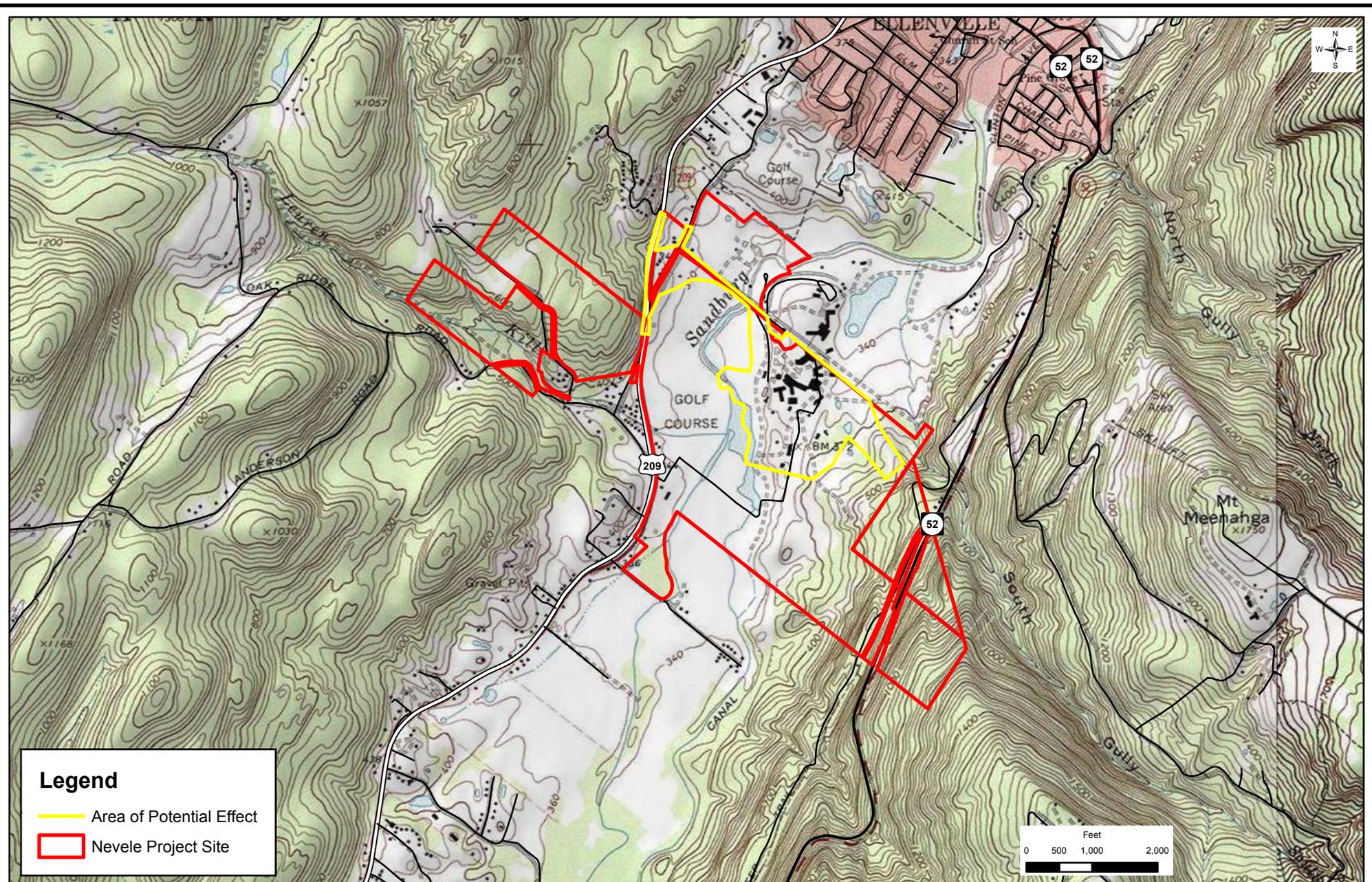
Please provide any information you have concerning known occurrences of endangered, threatened and/or special concern wildlife species as well as rare plant, animal, or natural community occurrences, or other significant habitats either on the site or in the surrounding area. We are requesting this information to support a SEQR review for the concept master plan, and for any federal wetland permitting that might be needed. This request is a follow-up to a request submitted to your office in June of 2012.

In responding to this request, please refer to the name and location of the project. If you have any questions, please do not hesitate to contact me at (518) 824-1927. Thank you for your assistance.

Sincerely,

Richard P. Futyma
Environmental Scientist

RPF/encl.



Legend

- Area of Potential Effect
- Nevele Project Site



THE
Chazen
COMPANIES®

Engineers/Surveyors
Planners
Environmental Scientists
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Troy, NY 12180
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375 Bay Road
Queensbury, NY, 12904
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Proposed Nevele Resort, Casino and Spa Redevelopment Project

Site Location Map

Town of Wawarsing - Ulster County, New York

USGS Topographic Map of the Ellenville and Napanoch New York Quadrangles

Drawn:	GHM
Date:	01/06/2014
Scale:	1:24,000
Project:	31225.00
Figure:	XX

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



Joe Martens
Commissioner

January 15, 2014

Richard Futyma
The Chazen Companies
375 Bay Road, Suite 200
Queensbury, NY 12804

Re: Nevele Redevelopment Project: proposed redevelopment of current Nevele Resort Property into family resort and gaming casino (Chazen Project #31225.00)
Town/City: Wawarsing. County: Ulster.

Dear Richard Futyma :

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, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site.

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 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.

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.

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 appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

Andrea Chaloux
Environmental Review Specialist
New York Natural Heritage Program



The following state-listed animals have been documented at your project site, or in its vicinity.

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing. The list may also include significant natural communities that can serve as habitat for Endangered or Threatened animals, and/or other rare animals and rare plants found at these habitats.

For information about potential impacts of your project on these populations, how to avoid, minimize, or mitigate any impacts, and any permit considerations, contact the Wildlife Manager or the Fisheries Manager at the NYSDEC Regional Office for the region where the project is located. A listing of Regional Offices is at <http://www.dec.ny.gov/about/558.html>.

The following species have been documented within 1.5 mi. Individual animals may travel 1.5 mi from documented locations.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Reptiles			
Timber Rattlesnake <i>hibernaculum</i>	<i>Crotalus horridus</i>	Threatened	8389

This report only includes records from the NY Natural Heritage databases. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. 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.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our 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 <http://www.dec.ny.gov/animals/7494.html>.

Information about many of the rare plants and animals, and natural community types, in New York are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, and from NatureServe Explorer at <http://www.natureserve.org/explorer>.



The following rare plants, rare animals, and significant natural communities have been documented at your project site, or in its vicinity.

We recommend that potential onsite and offsite impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQ. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following significant natural communities are considered significant from a statewide perspective by the NY Natural Heritage Program. They are either occurrences of a community type that is rare in the state, or a high quality example of a more common community type. By meeting specific, documented criteria, the NY Natural Heritage Program considers these community occurrences to have high ecological and conservation value.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
--------------------	------------------------	-------------------------	-------------------------------------

Upland/Terrestrial Communities

Hemlock-Northern Hardwood Forest	High Quality Occurrence
---	-------------------------

Cragmoor: This is a large community with good species composition and fairly undisturbed landscape. Dbh of largest trees indicates that the forest is second growth. 1984

Chestnut Oak Forest	High Quality Occurrence
----------------------------	-------------------------

Shawangunk Mountains: This is a very large, diverse matrix-forming chestnut oak forest in good to excellent condition within an excellent landscape context. It has a high diversity of physiognomy and species with very low cover of exotic species. 9519

This report only includes records from the NY Natural Heritage databases. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. 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.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, from NatureServe Explorer at <http://www.natureserve.org/explorer>, and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

Information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org. For descriptions of all community types, go to <http://www.dec.ny.gov/animals/29384.html> and click on Draft Ecological Communities of New York State.

APPENDIX D

USFWS Official Species List



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 LUKER ROAD
CORTLAND, NY 13045
PHONE: (607)753-9334 FAX: (607)753-9699
URL: www.fws.gov/northeast/nyfo/es/section7.htm

Consultation Tracking Number: 05E1NY00-2014-SLI-0416

March 03, 2014

Project Name: Nevele Resort Redevelopment

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



United States Department of Interior
Fish and Wildlife Service

Project name: Nevele Resort Redevelopment

Official Species List

Provided by:

New York Ecological Services Field Office
3817 LUKER ROAD
CORTLAND, NY 13045
(607) 753-9334
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

Consultation Tracking Number: 05E1NY00-2014-SLI-0416

Project Type: Development

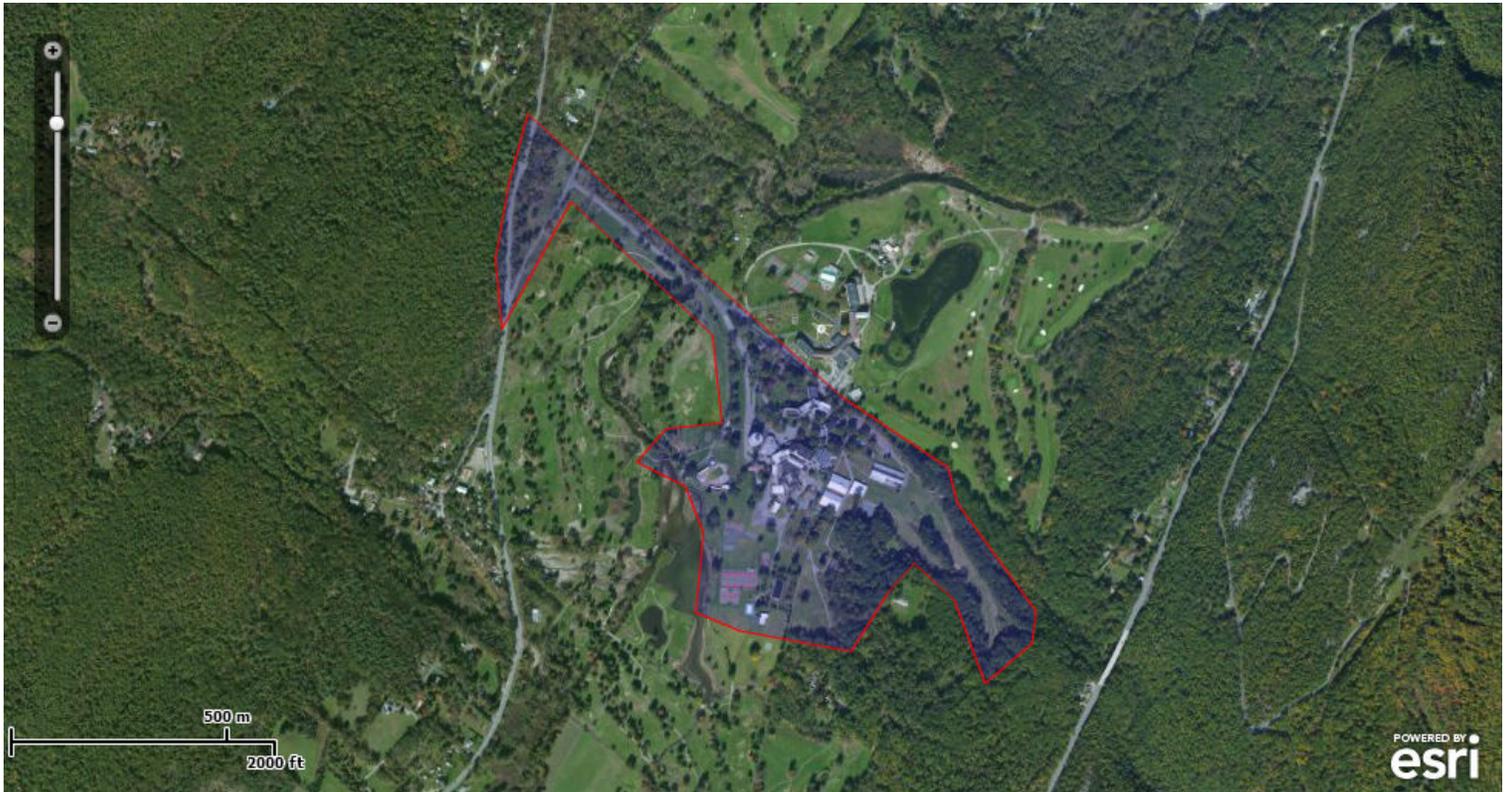
Project Description: The project involves the redevelopment of a Catskill Mountain Resort just south of the Village of Ellenville. The 99.5-acre site currently comprises hotel buildings and various others that were part of the original Nevele resort. It also includes a golf course, downhill ski run, and undeveloped forested land. The proposed project involves demolition and selective renovation of the resort buildings, redevelopment of the golf course, and a new road entrance on US Route 209.



United States Department of Interior
Fish and Wildlife Service

Project name: Nevele Resort Redevelopment

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-74.4089848 41.7054654, -74.4038358 41.7019735, -74.4002309 41.6995704, -74.3972698 41.6980964, -74.3970123 41.6973594, -74.3948236 41.6951163, -74.3949337 41.6944444, -74.3962398 41.6936102, -74.3970985 41.6953402, -74.3982143 41.6961093, -74.3989438 41.6955005, -74.3999738 41.6942763, -74.4030645 41.6946993, -74.4043091 41.6950839, -74.4040945 41.6967502, -74.404594 41.6977089, -74.4059469 41.6982128, -74.4051368 41.6989169, -74.4035795 41.6990253, -74.403837 41.7008517, -74.4077847 41.7036392, -74.4097144 41.7009797, -74.409886 41.7024536, -74.4095019 41.7040556, -74.4089848 41.7054654)))

Project Counties: Ulster, NY



United States Department of Interior
Fish and Wildlife Service

Project name: Nevele Resort Redevelopment

Endangered Species Act Species List

There are a total of 4 threatened, endangered, or candidate species on your 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. Critical habitats listed on the **Has Critical Habitat** lines may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Bog Turtle (*Clemmys muhlenbergii*)

Population: northern

Listing Status: Threatened

Indiana bat (*Myotis sodalis*)

Population: Entire

Listing Status: Endangered

northern long-eared Bat (*Myotis septentrionalis*)

Listing Status: Proposed Endangered

Northern Wild monkshood (*Aconitum noveboracense*)

Listing Status: Threatened



United States Department of Interior
Fish and Wildlife Service

Project name: Nevele Resort Redevelopment

Critical habitats that lie within your project area

There are no critical habitats within your project area.