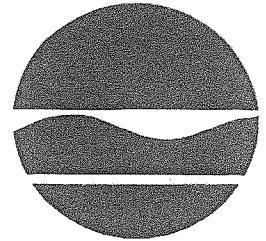


# **APPENDIX U**

## Natural Resources Communications

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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.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

November 26, 2012

Eva Szigeti  
Evans Associates  
205 Amity Road  
Bethany, CT 06524

Dear Ms. Szigeti:

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 52-Acre Property on Rte 312. Area as indicated on the map you enclosed, located in the Town of Southeast, Westchester County.

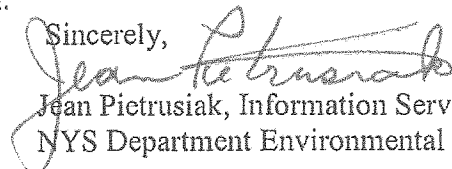
Enclosed is a report of rare or state-listed animals and plants, and significant natural communities, which our database indicates occur, or may occur, on your site or in the immediate vicinity of your site. For most sites, comprehensive field surveys have not been conducted; the enclosed report only 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. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

The enclosed report may be included in documents that will be available to the public. However, any enclosed maps displaying locations of rare species are considered sensitive information, and are intended only for the internal use of the recipient; they should not be included in any document that will be made available 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 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](http://www.dec.ny.gov/about/39381.html).

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,

  
Jean Pietrusiak, Information Services  
NYS Department Environmental Conservation

# 1118

Enc.

Cc: Reg. 3, Wildlife Mgr.



**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 significance 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>
<b>Wetland/Aquatic Communities</b>			
<b>Inland Atlantic White Cedar Swamp</b>			High Quality Occurrence of Rare Community Type and Globally Rare
Lake Tonetta Cedar Swamp: Somewhat small area in very good condition, with some disturbances nearby.			4176

The following plants are listed as Endangered or Threatened by New York State, and/or are considered rare by the New York Natural Heritage Program, and so are a vulnerable natural resource of conservation concern.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
<b>Vascular Plants</b>			
<b>Shining Bedstraw</b>	<i>Galium concinnum</i>	Endangered	Critically Imperiled in NYS
Ice Pond Road: A roadside.			64
<b>Rough Avens</b>	<i>Geum virginianum</i>	Threatened	Imperiled in NYS
Lake Tonetta Hillside: A storm drain. Mixed deciduous woods at the bottom of a slope.			4092

Tonetta Cedar Swamp: A forested peatland (inland Atlantic white cedar swamp) at the north end of Lake Tonetta. This *Chamaecyparis* swamp covers approximately 75% of the whole forested wetland. Atlantic white cedar is the dominant species of the densely forested swamp. The lake is heavily developed. A railroad and town park (with beach facilities) are located along the west side of the lake, and many houses are situated near the east shoreline of the lake. Atlantic white cedar (*Chamaecyparis thyoides*) dominates the swamp. The tallest trees are 40-45 feet in height, growing on hummocks throughout the swamp. The swamp has some sphagnum substrate. Shrub growth, particularly of speckled alder (*Ainus rugosa*) and sweet pepperbush (*Clethra alnifolia*) is also dense. Other plants obs

**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. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.**

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](http://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](http://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.



**The following rare plants and rare animals have  
historical records  
at your project site, or in its vicinity.**

The following rare plants and animals were documented in the vicinity of the project site at one time, but have not been documented there since 1979 or earlier, and/or there is uncertainty regarding their continued presence. There is no recent information on these plants and animals in the vicinity of the project site and their current status there is unknown. In most cases the precise location of the plant or animal in this vicinity at the time it was last documented is also unknown.

If suitable habitat for these plants or animals is present in the vicinity of the project site, it is possible that they may still occur there. We recommend that any field surveys to the site should include a search for these species, particularly for sites that are currently undeveloped and may still contain suitable habitat.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NYS LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
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**Vascular Plants**

<b>Woodland Agrimony</b>	<i>Agrimonia rostellata</i>	Threatened	Imperiled in NYS
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1916-09-05: Dykemans. Specimen label: Meadow.

8311

**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. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.**

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](http://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).

October 1, 2009

Mr. Jean Marc Roche  
New York City Department of Environmental Protection  
Stormwater Program  
465 Columbus Avenue  
Valhalla, New York 10595-1336

**RE: Crossroads 312 LLC : Watercourse Determination  
Route 312, Town of Southeast, Putnam County, New York**

Dear Mr. Roche:

Thank you for taking the time to walk the Crossroads LLC site with us earlier this week. It was very helpful to get the watercourse determination at this point in the SEQRA process, and to get the other comments on the plans from Mary and Cynthia. Based on our discussion following the site walk, it is our understanding that there are no site features which meet the definition of "watercourse" under the NYC DEP regulations.

Phil Doyle of LADA P.C. has prepared the attached plan, titled "Existing Conditions - Off & On Site Manmade Drainage Conditions" Drawing No. L-17, dated October 1, 2009 to show the source of the stormwater which comes onto the site from NYS Route 312. I trust that these 11" x 17" plans are sufficient for your use, but if you need a full sized plan let me know.

Again, I appreciate your quick response on this project, as the comments are useful as we proceed with project design and permitting.

Sincerely,



Beth Evans  
Principal

Attachment (2 copies)



**Evans Associates**  
Environmental Consulting, Incorporated



205 Amity Road  
Bethany, CT 06524  
Tel: 203.393.0690  
Fax: 203.393.0196  
e-mail: [evans.associates@eacc-inc.com](mailto:evans.associates@eacc-inc.com)



October 16, 2009



New York City Department of  
Environmental Protection  
www.nyc.gov/dep

59-17 Junction Boulevard  
Flushing, NY 11373  
465 Columbus Avenue  
Vallhalla, New York  
10595-1336

**Steven W. Lawitts**  
Acting Commissioner

Tel. (718) 595-6565  
Fax (718) 595-3557

**Bureau of Water Supply**

**Paul V. Rush, P.E.**  
Deputy Commissioner

Tel (914) 742-2001  
Fax (914) 741-0348

Beth Evans  
Evans Associates  
205 Amity Road  
Bethany, CT 06524

Re: Watercourse Delineation  
Crossroad 312 LLC  
Route 312, Southeast, NY  
Diverting Reservoir Basin  
DEP Log # 2009-DI-0585-SP.1

Dear Ms. Evans:

Mary Galasso, Cynthia Garcia and I of New York City Department of Environmental Protection (DEP) conducted a sitewalk and watercourse delineation with Michael Irwin of BVH integrated services, Philip Doyle of LADA, PC and you for the above captioned project on September 28, 2009. DEP concluded that the drainage features on the Wood Product Processing Area, and both drainage features associated with the culverts from Route 312 are not DEP regulated watercourses as defined by the Water Regulations. The wet pond which is a part of the New York State Department of Environmental Conservation (DEC) regulated wetland was not evaluated as a watercourse by the DEP because we did not have access its drainage path as it crosses the railroad tracks and into a different owner's property. The wet pond could be the start of a DEP regulated watercourse / intermittent stream. The wet pond and its drainage features are contained within the DEC regulated wetland and no development activities are proposed within its 100 foot DEP restricted distance.

In accordance with Section 18-23 (b)(5) of the watershed regulations, a property owner can request that DEP confirm a survey map of the flagged watercourses. This confirmed survey map is binding upon DEP for five years. You must provide a full scale survey map for DEP to confirm.

Should you have any questions or wish to further discuss this matter, you may reach me at (914) 773-4464.

Sincerely,

A handwritten signature in black ink that reads "J. M. H. Roche". The signature is written in a cursive, slightly slanted style.

Jean Marc H Roche  
Associate Project Manager  
Stormwater Programs, EOH  
Watershed Protection and Planning

xc: Town of Southeast Planning Board