

APPENDIX O
CONSULTATION LETTERS

cc: PUP/HB/PJB/CLG
file —



New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Pebbles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

~~Joan K. Davidson~~
~~Commissioner~~

Bernadette Castro
Commissioner

June 15, 1995



Paul L. Piciulo, Ph.D.
Program Director
Radioactive Waste Management Program
Department of Energy
P.O. Box 191
West Valley, NY 14171

Dear Dr. Piciulo:

Re: DOE
West Valley Demonstration Project
Ashford, Cattaraugus County
95PR1233

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the materials submitted in accordance with Section 106 of the National Historic Preservation Act of 1966 and the relevant implementing regulations.

Based upon this review, it is the SHPO's opinion that the West Valley Demonstration Project Site (the site of the former Nuclear Fuels Service Irradiated Fuels Processing Plant) is not eligible for inclusion in the National Register of Historic Places.

When responding, please be sure to refer to the SHPO project review (PR) number noted above. If you have any questions, please feel free to call me at (518) 237-8643 ext. 255.

Sincerely,

Robert D. Kuhn, Ph.D.
Historic Preservation Coordinator
Field Services Bureau

RDK:cm



Department of Energy
West Valley Demonstration Project
10282 Rock Springs Road
West Valley, NY 14171-9799

July 18, 2008

U.S. Fish and Wildlife Service
3817 Luker Road
Cortland, NY 13045

SUBJECT: Rare Species Consultation for the *Draft Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center*

Dear Sir or Madam:

The purpose of this letter is to notify you that the U.S. Department of Energy (DOE) and New York State Energy Research and Development Authority (NYSERDA) are in the process of preparing a revised *Draft Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center* (see Enclosure 1). NYSERDA is serving as the lead agency for purposes of State Environmental Quality Review Act (SEQR). In support of this effort DOE is requesting information on rare species and significant natural communities that may be impacted by the proposed project.

The West Valley Demonstration Project (WVDP) is a radioactive waste management demonstration site currently operated by the DOE under Act of the U.S. Congress. The WVDP, a largely industrialized area, is located on approximately 63 hectares within the boundaries of the Western New York Nuclear Service Center (WNYNSC), a 1,335-hectare reserve area of fields and woodlands owned by New York State. The WNYNSC is situated partly in the Town of Concord on the southern border of Erie County and mostly in the Town of Ashford on the northern border of Cattaraugus County. A 7.5 minute U.S. Geological Survey topographical map showing the site is presented in Enclosure 2.

While there has been no change in the project impact area since publication of the Notice of Intent in 2003, there has been a change in the alternatives being considered. Following scoping meetings, the alternatives were revised to include: a Site-wide Removal Alternative, Site-wide Close-In-Place Alternative, Phased Decision-making Alternative (the Preferred Alternative), and No-Action Alternative. Each alternative is summarized below.

Under the Site-wide Removal Alternative, all site facilities would be removed, environmental media decontaminated, and waste characterized, packaged, as necessary, and shipped off site for disposal. Under this alternative, the entire WNYNSC could be available for unrestricted release.

Under the Site-wide Close-In-Place Alternative, key site facilities would be closed in place; however, residual radioactivity in facilities with larger inventories of long-lived radionuclides would be isolated by specially-designed closure structures and engineered barriers. Thus, under this alternative, a sizable portion, but not all of the WNYNSC, could be available for unrestricted release.



July 18, 2008

Under the Phased Decision-making Alternative, a two-phased approach would be undertaken. Phase 1 would entail the removal of a number of key facilities, but would delay a decision on other facilities pending the undertaking of additional studies and evaluations to clarify and possibly reduce uncertainties related to final decommissioning and long-term management. Phase 2 would complete decommissioning, following the approach determined in Phase 1. The amount of land that could be available for unrestricted release would not be fully known until the approach to Phase 2 is determined.

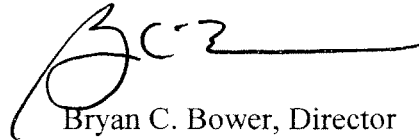
Under the No-Action Alternative, no actions toward decommissioning would be taken; however, a limited portion of the site could be available for unrestricted release.

Please send the requested information to:

Ms. Jennifer M. Dundas
U. S. Department of Energy
10282 Rock Springs Road
West Valley, NY 14171-9799

If you have any questions regarding this inquiry, Jennifer Dundas of my staff may be reached at (716) 942-4287.

Sincerely,



Bryan C. Bower, Director
West Valley Demonstration Project

- Enclosures: 1) Notice of Intent to Prepare an *Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center*
- 2) 7.5 Minute U.S. Geological Survey Topographical Map for Ashford Hollow Quadrangle

cc: J. E. Loving, DOE-HQ, GC-20/FORS, w/o enc.
J. M. Dundas, DOE-WVDP, AC-DOE, w/o enc.
M. N. Maloney, DOE-WVDP, AC-DOE, w/o enc.
P. J. Bembia, NYSERDA, w/o enc.

CMB:99492 - 451.1

CMB/cmb



Department of Energy
West Valley Demonstration Project
10282 Rock Springs Road
West Valley, NY 14171-9799

July 18, 2008

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

SUBJECT: Rare Species Consultation for the *Draft Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center*

Dear Sir or Madam:

The purpose of this letter is to notify you that the U.S. Department of Energy (DOE) and New York State Energy Research and Development Authority (NYSERDA) are in the process of preparing a revised *Draft Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center* (see Enclosure 1). NYSERDA is serving as the lead agency for purposes of State Environmental Quality Review Act (SEQR). In support of this effort, DOE is requesting information on rare species and significant natural communities that may be impacted by the proposed project.

The West Valley Demonstration Project (WVDP) is a radioactive waste management demonstration site currently operated by the DOE under Act of the U.S. Congress. The WVDP, a largely industrialized area, is located on approximately 63 hectares within the boundaries of the Western New York Nuclear Service Center (WNYNSC), a 1,335-hectare reserve area of fields and woodlands owned by New York State. The WNYNSC is situated partly in the Town of Concord on the southern border of Erie County and mostly in the Town of Ashford on the northern border of Cattaraugus County. A 7.5 minute U.S. Geological Survey topographical map showing the site is presented in Enclosure 2.

While there has been no change in the project impact area since publication of the Notice of Intent in 2003, there has been a change in the alternatives being considered. Following scoping meetings the alternatives were revised to include: a Site-wide Removal Alternative, Site-wide Close-In-Place Alternative, Phased Decision-making Alternative (the Preferred Alternative), and No-Action Alternative. Each alternative is summarized below.

Under the Site-wide Removal Alternative, all site facilities would be removed, environmental media decontaminated, and waste characterized, packaged, as necessary, and shipped off site for disposal. Under this alternative, the entire WNYNSC could be available for unrestricted release.

Under the Site-wide Close-In-Place Alternative, key site facilities would be closed in place; however, residual radioactivity in facilities with larger inventories of long-lived radionuclides would be isolated by specially-designed closure structures and engineered barriers. Thus, under this alternative, a sizable portion, but not all of the WNYNSC, could be available for unrestricted release.



July 18, 2008

Under the Phased Decision-making Alternative, a two-phased approach would be undertaken. Phase 1 would entail the removal of a number of key facilities but would delay a decision on other facilities pending the undertaking of additional studies and evaluations to clarify and possibly reduce uncertainties related to final decommissioning and long-term management. Phase 2 would complete decommissioning, following the approach determined in Phase 1. The amount of land that could be available for unrestricted release would not be fully known until the approach to Phase 2 is determined.

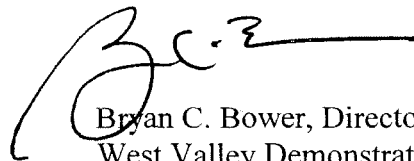
Under the No-Action Alternative, no actions toward decommissioning would be taken; however, a limited portion of the site could be available for unrestricted release.

Please send the requested information to:

Ms. Jennifer M. Dundas
U. S. Department of Energy
10282 Rock Springs Road
West Valley, NY 14171-9799

If you have any questions regarding this inquiry, Jennifer Dundas of my staff may be reached at (716) 942-4287.

Sincerely,



Bryan C. Bower, Director
West Valley Demonstration Project

- Enclosures: 1) Notice of Intent to Prepare an *Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center*
- 2) 7.5 Minute U.S. Geological Survey Topographical Map for Ashford Hollow Quadrangle

cc: J. E. Loving, DOE-HQ. GC-20/FORS, w/o enc.
J. M. Dundas, DOE-WVDP, AC-DOE, w/o enc.
M. N. Maloney, DOE-WVDP, AC-DOE, w/o enc.
P. J. Bembia, NYSERDA, w/o enc.

CMB:99493 - 451.1

CMB/cmb



Department of Energy
West Valley Demonstration Project
10282 Rock Springs Road
West Valley, NY 14171-9799

July 21, 2008

Mr. Maurice A. John
President
The Seneca Nation of Indians
P.O. Box 231
Salamanca, New York 14779

ATTENTION: Sylvia Patterson, Environmental Protection Director

SUBJECT: Consultation for the *Draft Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center* and Public Meeting

Dear President John:

The U.S. Department of Energy (DOE) and the New York State Energy Research and Development Authority (NYSERDA) are jointly preparing a *Draft Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center*. The U.S. Nuclear Regulatory Commission (NRC), the U.S. Environmental Protection Agency (EPA), and the New York State Department of Environmental Conservation (NYSDEC) are participating as cooperating agencies.

This Environmental Impact Statement (EIS) will revise the Draft EIS for Completion of the West Valley Demonstration Project and Closure of Long-Term Management of Facilities at the Western New York Nuclear Service Center (DOE/EIS-0226-D), which was issued in 1996. This EIS will evaluate the range of reasonable alternatives for decommissioning and long-term stewardship of the Western New York Nuclear Service Center (WNYNSC).

While there has been no change in the project impact area since publication of the Notice of Intent in 2003, there has been a change in the alternatives being considered. Following scoping meetings, the alternatives were revised to include: a Site-wide Removal Alternative, Site-wide Close-In-Place Alternative, Phased Decision-making Alternative (the Preferred Alternative), and No-Action Alternative. Each alternative is summarized below.

Under the Site-wide Removal Alternative, all site facilities would be removed, environmental media decontaminated, and waste characterized, packaged, as necessary, and shipped off site for disposal. Under this alternative, the entire WNYNSC could be available for unrestricted release.

Under the Site-wide Close-In-Place Alternative, key site facilities would be closed in place; however, residual radioactivity in facilities with larger inventories of long-lived radionuclides would be isolated by specially-designed closure structures and engineered barriers. Thus, under this alternative a sizable portion, but not all of the WNYNSC, could be available for unrestricted release.



Mr. Maurice A. John

- 2 -

July 21, 2008

Under the Phased Decision-making Alternative, a two-phased approach would be undertaken. Phase 1 would entail the removal of a number of key facilities but would delay a decision on other facilities pending the undertaking of additional studies and evaluations to clarify and possibly reduce uncertainties related to final decommissioning and long-term management. Phase 2 would complete decommissioning, following the approach determined in Phase 1. The amount of land that could be available for unrestricted release would not be fully known until the approach to Phase 2 is determined.

Under the No-Action Alternative, no actions toward decommissioning would be taken; however, a limited portion of the site could be available for unrestricted release.

Issuance of a draft EIS is planned for the fall of 2008. We would like to meet with you and/or members of your staff to discuss current planning for the EIS and to hear your issues and concerns.

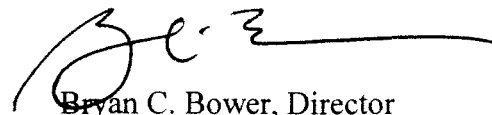
In 1996, DOE held public meetings on two of your reservations. We would again like to extend an offer to hold public meetings on the two main territories, Cattaraugus and Allegany. Public meetings will likely be held in the March or April 2009 timeframe, during the six-month public comment period, to listen to the views of and gather information from Tribal Governments, regulators, elected officials, stakeholders, and the public, to allow the lead agencies to make effective decisions in regards to this EIS.

If you have any questions regarding this information or to schedule a meeting, please contact:

Ms. Catherine M. Bohan, NEPA Compliance Officer and Tribal Point of Contact
U.S. Department of Energy
West Valley Demonstration Project
10282 Rock Springs Road
West Valley, NY 14171-9799
Phone: (716) 942-4159, E-mail: Catherine.M.Bohan@wv.doe.gov

I look forward to working with you as we move toward completion of this important process.

Sincerely,

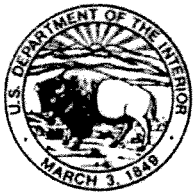


Bryan C. Bower, Director
West Valley Demonstration Project

cc: J. E. Loving, DOE-HQ, GC-2/FORS
A. Wickham, DOE-EMCBC
M. N. Maloney, DOE-WVDP, AC-DOE
P. J. Bemba, NYSERDA, AC-NYS
S. C. Crede, SAIC
S. E. Robinson, SAIC

CMB:99524 - 451.1

file MWLW



United States Department of the Interior

FISH AND WILDLIFE SERVICE

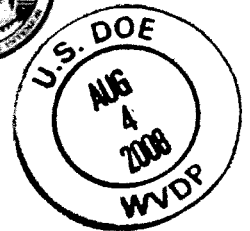
New York Field Office

3817 Luker Road

Cortland, NY 13045

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo>



Project Number: 80643

To: Bryan Bower

Date: Jul 29, 2008

Regarding: DEIS for decommissioning West Valley Demonstration Site

Town/County: Town of Ashford / Cattaraugus County

We have received your request for information regarding occurrences of Federally-listed threatened and endangered species within the vicinity of the above-referenced project/property. Due to increasing workload and reduction of staff, we are no longer able to reply to endangered species list requests in a timely manner. In an effort to streamline project reviews, we are shifting the majority of species list requests to our website at <http://www.fws.gov/northeast/nyfo/es/section7.htm>. Please go to our website and print the appropriate portions of our county list of endangered, threatened, proposed, and candidate species, and the official list request response. Step-by-step instructions are found on our website.

As a reminder, Section 9 of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) prohibits unauthorized taking* of listed species and applies to Federal and non-Federal activities. Additionally, endangered species and their habitats are protected by Section 7(a)(2) of the ESA, which requires Federal agencies, in consultation with the U.S. Fish and Wildlife Service (Service), to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. An assessment of the potential direct, indirect, and cumulative impacts is required for all Federal actions that may affect listed species. For projects not authorized, funded, or carried out by a Federal agency, consultation with the Service pursuant to Section 7(a)(2) of the ESA is not required. However, no person is authorized to "take"* any listed species without appropriate authorizations from the Service. Therefore, we provide technical assistance to individuals and agencies to assist with project planning to avoid the potential for "take," or when appropriate, to provide assistance with their application for an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA.

Project construction or implementation should not commence until all requirements of the ESA have been fulfilled. If you have any questions or require further assistance regarding threatened or endangered species, please contact the Endangered Species Program at (607) 753-9334. Please refer to the above document control number in any future correspondence.

Endangered Species Biologist: Sandra Doran *Sandra Doran*

*Under the Act and regulations, it is illegal for any person subject to the jurisdiction of the United States to *take* (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species and most threatened fish and wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. "Harm" includes any act which actually kills or injures fish or wildlife, and case law has clarified that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.

99590

New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, Albany, New York 12233-4757
Phone: (518) 402-8935 • FAX: (518) 402-8925
www.dec.state.ny.us



August 6, 2008

Jennifer Dundas
U S Department of Energy
10282 Rock Springs Road
West Valley, NY 14171-9799



Dear Ms. Dundas:

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 Decommissioning and/or Stewardship at West Valley Demo/Project and Western NY Nuclear Service Center, area as indicated on the map you provided, located partly in the Town of Concord, Erie County; and mostly in the Town of Ashford, Cattaraugus County, New York State.

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site.

The 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, at the enclosed address.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement on 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 environment impact assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,

Tara Seoane, Information Services
New York Natural Heritage Program

cc: Reg. 9, Wildlife Mgr.
Reg. 9, Fisheries Mgr.

Natural Heritage Report on Rare Species and Ecological Communities



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

- This report contains **SENSITIVE** information that should not be released to the public without permission from the NY Natural Heritage Program.
- Refer to the User's Guide for explanations of codes, ranks and fields.
- Location maps for certain species and communities may not be provided 1) if the species is vulnerable to disturbance, 2) if the location and/or extent is not precisely known, 3) if the location and/or extent is too large to display, and/or 4) if the animal is listed as Endangered or Threatened by New York State.

Natural Heritage Report on Rare Species and Ecological Communities



BEETLES

Cicindela ancocisconensis

Office Use
9083

Appalachian Tiger Beetle

NY Legal Status: Unlisted

NYS Rank: S2 - Imperiled

Federal Listing:

Global Rank: G3 - Vulnerable

Last Report: 2000-08-28

EO Rank: Excellent or Good

County: Erie, Cattaraugus

Town: Collins, East Otto, Yorkshire, Otto, Persia, Sardinia, Concord, Ashford

Location: Cattaraugus Creek

Directions: The tiger beetle population occurs along a 25 mile stretch of the Cattaraugus Creek from Gowanda east to the area of Hake Road, approximately 3 miles west of Sillimans Corners. The beetles were found on at least 21 cobble bars and sandy terraces scattered throughout this stretch. Most locations where they have been observed are in the vicinity of the bridges which cross the creek and provide access. A number of locations can be accessed from the Gowanda-Zoar Valley Road and the Zoar Valley Multiple Use Area.

**General Quality
and Habitat:**

There are no global rank specifications for this species. All locations are combined as one occurrence based on element occurrence specifications from riparian cicindelidae of 2001-12-06. The "AB" rank is based on the fact that the beetles were found at no less than 17 separate cobble bars or sand/cobble terraces along a 25 mile stretch of a large creek with only one small dam and intact hydrological flow which maintains the high quality and quantity of habitat present. They undoubtedly occur at many ad The Cattaraugus Creek is a large creek which flows through a rural, agricultural setting and a large steep gorge area known as Zoar Valley. The flow is fast in spring with annual spring flooding. In the eastern portion, the creek has many twists and bends and sand and cobble are deposited at bends in the creek forming large cobble bars and sand/cobble terraces. To the west, where the creek flows through Zoar Valley the creek is bordered by steep, high walls and there are fewer bends in the creek and fewer cobble bars. There is a single small (less than 20 foot in height) dam just west of Route 219 which does not effectively alter the creeks hydrological regime.

Cicindela marginipennis

Office Use
10212

Cobblestone Tiger Beetle

NY Legal Status: Unlisted

NYS Rank: S1 - Critically imperiled

Federal Listing:

Global Rank: G2 - Imperiled

Last Report: 1999-08-10

EO Rank: Excellent or Good

County: Erie, Cattaraugus

Town: Otto, Concord, Collins, Ashford, East Otto

Location: At, or in the vicinity of, the project site.

Directions: **

**General Quality
and Habitat:**

**For information on the population at this location and management considerations, please contact the NY Natural Heritage Program Zoologist at 518-402-8939.

*Spizella pallida*Clay-colored
Sparrow
Breeding**NY Legal Status:** Protected**NYS Rank:** S2 - ImperiledOffice Use
12458**Federal Listing:****Global Rank:** G5 - Demonstrably secure**Last Report:** 2003-06-09**EO Rank:** Extant**County:** Cattaraugus**Town:** Ashford**Location:** Bond Road Plantation**Directions:** From the intersection of Route 82 and Cattaraugus Street in Springville, travel south on Route 82 (Buffalo Street) for 2.0 mi and turn left onto Thomas Corners Road. Travel east on Thomas Corners Road for 1.3 mi and turn left onto Bond Road. The birds were seen in lilac bushes on the west side of the road.**General Quality and Habitat:** The birds were observed in lilac (*Syringa* sp.) bushes in an ornamental shrub plantation.**COMMUNITIES****Hemlock-northern hardwood forest**

This occurrence of Hemlock-Northern Hardwood Forest is considered significant from a statewide perspective by the NY Natural Heritage Program. It is either an occurrence 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 this occurrence to have high ecological and conservation value.

Office Use

NY Legal Status: Unlisted**NYS Rank:** S4

8473

Federal Listing:**Global Rank:** G4G5**Last Report:** 2001-09-01**EO Rank:****County:** Erie, Cattaraugus**Town:** East Otto, Collins, Concord, Persia, Ashford, Dayton, Otto**Location:** Cattaraugus Creek Zoar Valley**Directions:** Take I-90 west past Buffalo and exit to the south on Highway 219. This highway crosses the Cattaraugus River just south of Springville and about 12 miles east of Gowanda. The community occupies the steep slopes and some of the uplands around Zoar Valley which surrounds Cattaraugus Creek and the South Branch of Cattaraugus Creek as well as valleys of tributaries including Thatcher Brook, Point Peter Brook, Connoissarauley Creek, Waterman Brook, Utley Brook, Coon Brook, Derby Brook, and Spooner Creek.**General Quality and Habitat:** The community is a very large, diverse complex of multiple patches, with many mature forest to old-growth patches within a landscape that is moderately large and intact, especially for the High Allegheny Plateau. A hemlock dominated to co-dominated forest primarily on the upper slopes of a deep 12.6-mile long gorge and ravines of the adjacent plateau along the Cattaraugus Creek, a major drainage of Lake Erie. The forest occurs above Cattaraugus Creek with its lining of shale cliff and talus community and shale talus slope woodland and forest forms part of a mature forest complex with beech-maple mesic forest, maple-basswood rich mesic forest, rich mesophytic forest and local, very small patches of Appalachian oak-pine forest. Further upland is an abrupt change to successional hardwood forests, successional old fields, maintained and recovering agricultural land and plantations (mostly pine). Scattered residences and roads are interspersed within the forest.

4 Records Processed

More detailed information about many of the rare and listed animals and plants in New York, including biology, identification, habitat, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.acris.nynhp.org, from NatureServe Explorer at <http://www.natureserve.org/explorer>, from NYSDEC at <http://www.dec.ny.gov/animals/7494.html> (for animals), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

More detailed 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.acris.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.

USERS GUIDE TO NY NATURAL HERITAGE DATA

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



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

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

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

- A-E = Extant: A=Excellent, B=Good, C=Fair, D=Poor, E=Extant but with insufficient data to assign a rank of A-D.
- F = Failed to find. Did not locate species during a limited search, but habitat is still there and further field work is justified.
- H = Historical. Historical occurrence without any recent field information.
- X = Extirpated. Field/other data indicates element/habitat is destroyed and the element no longer exists at this location.
- U = Extant/Historical status uncertain.
- Blank = Not assigned.

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

NY LEGAL STATUS – Animals:

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

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

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

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

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

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

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

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

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

NY LEGAL STATUS – Plants:

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

E - Endangered Species: listed species are those with:

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

T - Threatened: listed species are those with:

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

R - Rare: listed species have:

- 20 to 35 extant sites, or
- 3,000 to 5,000 individuals statewide.

V - Exploitably vulnerable: listed species are likely to become threatened in the near future throughout all or a significant portion of their range within the state if causal factors continue unchecked.

U - Unprotected; no state status.

FEDERAL STATUS (PLANTS and ANIMALS): The categories of federal status are defined by the United States Department of the Interior as part of the 1974 Endangered Species Act (see Code of Federal Regulations 50 CFR 17). The species listed under this law are enumerated in the Federal Register vol. 50, no. 188, pp. 39526 - 39527. The codes below without parentheses are those used in the Federal Register. The codes below in parentheses are created by Heritage to deal with species which have different listings in different parts of their range, and/or different listings for different subspecies or varieties.

(blank) = No Federal Endangered Species Act status.

LE = Formally listed as endangered.

LT = Formally listed as threatened.

C = Candidate for listing.

LE,LT = Formally listed as endangered in part of its range, and as threatened in the other part; or, one or more subspecies or varieties is listed as endangered, and the others are listed as threatened.

LT,PDL = Populations of the species in New York are formally listed as threatened, and proposed for delisting.

GLOBAL AND STATE RANKS (animals, plants, ecological communities and others): Each element has a global and state rank as determined by the NY Natural Heritage Program. These ranks carry no legal weight. The global rank reflects the rarity of the element throughout the world and the state rank reflects the rarity within New York State. Intraspecific taxa are also assigned a taxon rank to reflect the infraspecific taxon's rank throughout the world. ? = Indicates a question exists about the rank. Range ranks, e.g. S1S2, indicate not enough information is available to distinguish between two ranks.

GLOBAL RANK:

G1 - Critically imperiled globally because of extreme rarity (5 or fewer occurrences), or very few remaining acres, or miles of stream) or especially vulnerable to extinction because of some factor of its biology.

G2 - Imperiled globally because of rarity (6 - 20 occurrences, or few remaining acres, or miles of stream) or very vulnerable to extinction throughout its range because of other factors.

G3 - Vulnerable: Either rare and local throughout its range (21 to 100 occurrences), or found locally (even abundantly at some of its locations) in a restricted range (e.g. a physiographic region), or vulnerable to extinction throughout its range because of other factors.

G4 - Apparently secure globally, though it may be quite rare in parts of its range, especially at the periphery.

G5 - Demonstrably secure globally, though it may be quite rare in parts of its range, especially at the periphery.

GH - Historically known, with the expectation that it might be rediscovered.

GX - Species believed to be extinct.

NYS RANK:

S1 - Critically imperiled: Typically 5 or fewer occurrences, very few remaining individuals, acres, or miles of stream, or some factor of its biology making it especially vulnerable in New York State.

S2 - Imperiled: Typically 6 to 20 occurrences, few remaining individuals, acres, or miles of stream, or factors demonstrably making it very vulnerable in New York State.

S3 - Vulnerable: Typically 21 to 100 occurrences, limited acreage, or miles of stream in New York State.

S4 - Apparently secure in New York State.

S5 - Demonstrably secure in New York State.

SH - Historically known from New York State, but not seen in the past 15 years.

SX - Apparently extirpated from New York State.

SxB and SxN, where Sx is one of the codes above, are used for migratory animals, and refer to the rarity within New York State of the breeding (B)populations and the non-breeding populations (N), respectively, of the species.

TAXON (T) RANK: The T-ranks (T1 - T5) are defined the same way as the Global ranks (G1 - G5), but the T-rank refers only to the rarity of the subspecific taxon.

T1 through T5 - See Global Rank definitions above.

Q - Indicates a question exists whether or not the taxon is a good taxonomic entity.